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The Man Who Beat the Army

Brian Donovan

Henry's Wonderful Machine
The Odds on Being Drafted
Haynsworth to Carswell
It's Too Late For Yablonski
Getting Out of Vietnam

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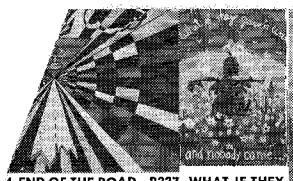
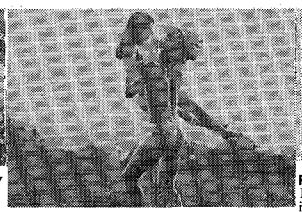
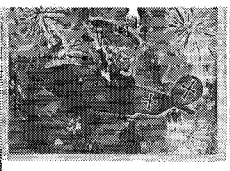


4. END OF THE ROAD. ‹screened in dayglo ow, green, blue, ce-, orange, purple, on k. 30"x21". *Only* **1.98**



P337. WHAT IF THEY GAVE A WAR . . . And Nobody Came; Yellows, greens, browns, blue, white. 23" x 35". *Only* **1.98**



P347. COME TOGETHER. Two nude figures joyous in a sunlit meadow; full color photo-to reproduction on board. 14"x9". *Only* **2.98**

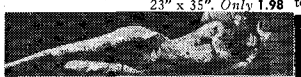
P338. THE RED BARON. Red Baron aloft awaiting our favorite folk hero; reds & blues predominate. 31" x 23". *Only* **1.98**

P319. NEW PEACE SYMBOL. Silkscreen dayglo yellow & orange on black. 21" x 33". *Only* **1.98**

P393. ASTRONAUTS. Full color photo. 21"x26". *Only* **1.98**

P351. LAST OF THE SKI BUMS. Dayglo cerise, orange, white & purple. 29" x41". *Only* **1.98**

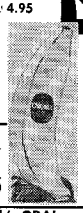
P217. HYPNO-MANDA Huge hypnotic swirl in glo red, yellow, blue, e ple. 20" square. *Only*



3. WANDA EMBRY. In full color. 12"x63". *Only* **4.95**

P665. Klee: SENECIO. Geometric portrait in hues of red, pink, yellow, cream & burnt orange. 15" x 17". *Orig. $5.00.* *Only* **2.98**

P666. CHIQUITA BANANA. Ripe banana yellow. 19" wide x 48¾" high. *Special* **1.00**



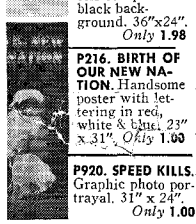
R243. OMEGA. Resistance symbol in dayglo orange on black. 30" square. *Only* **1.49**

P306. Joel Beck's ODALISQUE. High satire in red-browns, gold, ice-white & blue. 26" x 14". *Only* **1.00**

P881. BARBARELLA. Jane Fonda as *Barbarella* in full color. 29" x 53". *Only* **1.00**

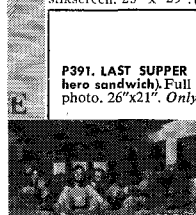
P177. "?" World as dot of question mark, with mushroom cloud above; in 4 colors. 23" x 29". *Only* **1.98**

P214. Peter Max: MAN ON THE MOON. Apollo 11 poster in pastels on space-black background. 36"x24". *Only* **1.98**



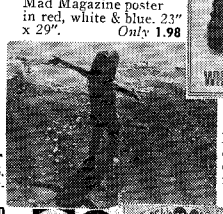
P216. BIRTH OF OUR NEW NATION. Handsome poster with lettering in red, white & blue. 23" x 31". *Only* **1.00**

P920. SPEED KILLS. Graphic photo portrayal. 31" x 24". *Only* **1.00**

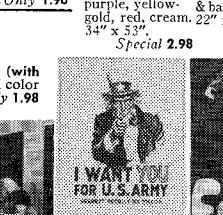


P789. SIGNALS OP circles and squares in dayglo fuchsia, dayglo green and rust. 25" x 38". *Only* **1.00**

P285. WHO NEEDS YOU. Mad Magazine poster in red, white & blue. 23" x 29". *Only* **1.98**



P352. KAREN. Beautiful black & white photoon coated stock. 29" x23". *Only* **1.49**



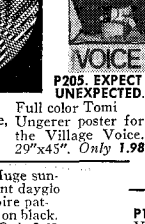
P716. Mucha: BIERES DE LA MEUSE. Muted purple, yellow-gold, red, cream. 34" x 53". *Special* **2.98**

P987. DON'TTRIP. Shades of green & banana yellow. 22" x 35". *Special* **1.00**

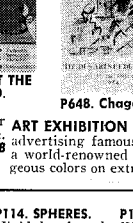
P339. PEACE. Hands, black & white, & white dove, on sky blue; silkscreen. 23" x 29". *Only* **1.98**

P391. LAST SUPPER (with hero sandwich). Full color photo. 26"x21". *Only* **1.98**

P300. I WANT YOU FOR U.S. ARMY. Famed WWII recruiting poster in full color. 22"x28". *Only* **1.49**

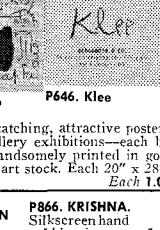


P334. EUPHORIA. Silkscreen dayglo yellow-orange, yellow & blue-green, on black. 33"x43". *Only* **2.98**

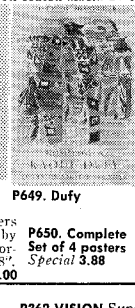


P884. A MAN AND A WOMAN. Dayglo cerise, green, orange, red, on black. 29"x 40". *Only* **1.98**

P190. HAVE YOU HAD YOUR PILL TODAY. Uncle Sam on the population explosion; black on white. 23" x 29". *Only* **1.98**



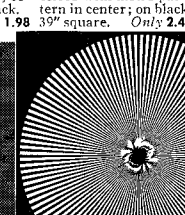
P101. LONDON ZOO. Black on white; coated stock. 26" x 40". *Only* **2.95**



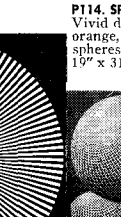
P358. AUTUMN LEAVES. Full Color photo by Wingate Paine on coated stock. 21"x29". *Only* **1.98**

. ENDLESS TER. Blinding lo red, charse, blue & e. 29"x41". *Only* **1.98**

P147. Hug: LION'S HEAD. *On Canvas* —Lithographed in brown tones & yellows. 22"x28". *Only* **5.95**



P361. RHYTHM. Dayglo yellow, red, purple, greens, blue, on black. 22"x26". *Only* **1.98**

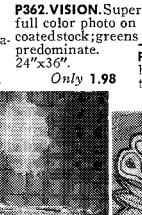


P205. EXPECT THE UNEXPECTED. Full color Tomi Ungerer poster for the Village Voice. 29"x45". *Only* **1.98**

P648. Chagall

P647. Miro

P646. Klee



P649. Dufy

P650. Complete Set of 4 posters *Special* **3.88**

. CATTLE BARON. color inspiration eak the dull steak t. 24" x 36". *Only* **1.00**

P292. FLAMING LOVE. Silkscreen; in flaming dayglo yellow, cerise, beige, on black. 21" x 26" *Only* **1.98**

P963. ZONK. Huge sunburst in brilliant dayglo colors with moire pattern in center; on black. 39" square. *Only* **2.49**

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P114. SPHERES. Vivid dayglo red, orange, & green spheres on black. 19" x 31". *Only* **1.98**

P110. Thoreau: ON INDIVIDUALITY. Painting by Hazard Durfee with greens predominating. 30" x 45". *Only* **3.95**

P866. KRISHNA. Silkscreen hand rubbing in tones of gray. Oriental rice paper. 24" x 38" on dowels with ribbon hanger. *Special* **2.98**

P362. VISION. Superb full color photo on coated stock; greens predominate. 24"x36". *Only* **1.98**

P340. COME TOGETHER. Poster for RAW's July 4th, 1970 Washington pot party protest; red, white, blue & green. 42" x 35". *Only* **2.98**

P239. PHOENIX. Dayglo cerise, burnt orange, purple, green, chartreuse & black on blue. 29" x 23". *Only* **1.98**

P187. GRETA. Painted lady mo cyclist athwart a Los Borracho rod; full color. 42" x 29". *On*

P730. BEATLE BANNER. In black white; 18" high x 42" wide. *Only* 1.

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P249. PICASSO—LE CUBISME. 1953 Exhibition with famed "Demoiselles d'Avignon" in warm browns, ice-blue, ice-gray & blue, 20" x 28". *Only* **1.00**

P250. HOMMAGE A CEZANNE. 1954 Exhibition with Cezanne's "Bathers" in muted greens & browns. 20" x 28". *Only* **1.00**

P251. LAUTREC—VILLE DE NICE. 1954 Exhibition of Lautrec graphics; yellow, beige, gray, blue. 20" x 28". *Only* **1.00**

P252. BRAQUE GRAVEUR. 1953 Exhibition poster in yellow, black, blue-gray & brown. 20" x 28". *Only* **1.00**

P286. Complete Set of 4 Posters. *Special* **3.88**

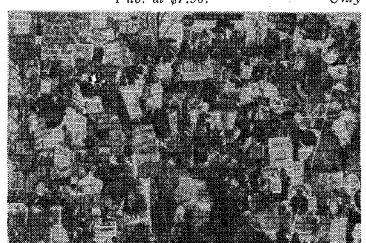
P345. WASHINGTON, NOV. 15. "Blessed are the peacemakers"; in black on white. 18"x25". *Only* **1.00**

P344. PEACE DOVE. Quotation from Abraham Lincoln; in black on white. 18"x25". *Only* **1.00**

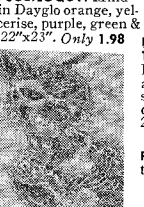
P321. TRI-PEACE/LOVE. Silkscreen dayglo hues of cerise, yellow, green, orange, & purple. 21" x 33". *Only* **1.98**

P359. SOLILOQUY. Mind map in Dayglo orange, yellow, cerise, purple, green & blue 22"x23". *Only* **1.98**

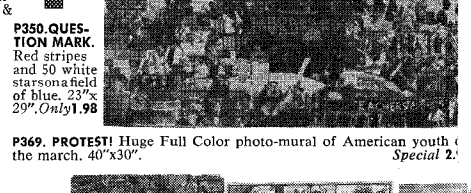
P350. QUESTION MARK. Red stripes and 50 white stars on a field of blue. 23"x 29". *Only* **1.98**



P369. PROTEST! Huge Full Color photo-mural of American youth the march. 40"x30". *Special* **2.**



P115. CAT Flaming dayglo green on dayglo cerise & orange. 20" x 30". *Only* **1.98**



P173. COMPLEAT ZODIAC. In burnt oranges, yellows, deep purples. 20" x 29". *Only* **1.49**

P261. PIPE Surfer cros the wave; color. 24" Only

P340. COME TOGETHER. Poster for RAW's July 4th, 1970 Washington pot party protest; red, white, blue & green. 42" x 35". *Only* **2.98**

P239. PHOENIX. Dayglo cerise, burnt orange, purple, green, chartreuse & black on blue. 29" x 23". *Only* **1.98**

P187. GRETA. Painted lady mo cyclist athwart a Los Borracho rod; full color. 42" x 29". *On*

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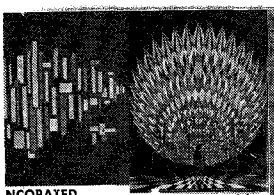
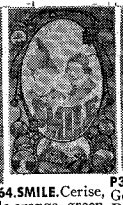


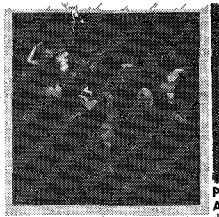
NCOPATED . Color blocks in reens, red, blue, on black. 29" x *Only* **1.98**

P355. EGO. Peacock in Dayglo cerise, yellow, blue, green, purple, on black. 21"x26". *Only* **1.98**



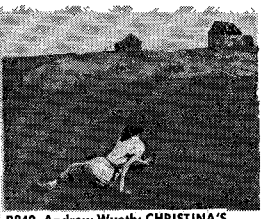
P364. SMILE. Cerise, pale orange, green & browns. 23"x35". *Only* **1.98**

P365. WEEDIES. By General Grass; Dayglo orange, blue, white, yellow. 23"x35". *Only* **1.98**



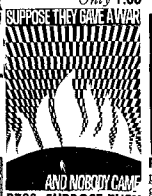
P307. HAIR—"DAWNING OF AGE OF AQUARIUS". Full color muted browns predominate. 21" square. *Only* **1.98**

P879. Picasso: TORE ADOR. White line drawing on matte black background. 26" x 35". *Only* **1.49**



P840. Andrew Wyeth: CHRISTINA'S WORLD. Magnificent collotype of girl in field of grass; harvest colors on fine art stock. 28" x 40". *Only* **7.49**

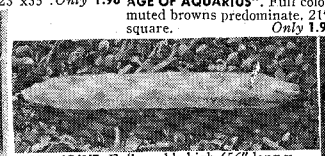
P346. BARBARIANS. Guernica-like Vietnam poster; black on white. 18"x25". *Only* **1.00**



P788. SUPPOSE THEY GAVE A WAR—AND NOBODY CAME. Silkscreen. Spectacular in black & dayglo red. 25" x 38". *Special* **4.95**

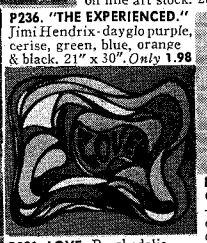
P353. STAR MANDALA. Six-pointed star in blinding Dayglos, on matte black. 21"x 25". *Only* **1.98**

P157. PEACE ON EARTH. A young man's questions go unanswered when he falls before an enemy bullet; shades of red & brown. 19" x 24". *Only* **1.98**



P336. JOINT. Full week's high (56" long x 19½" high) in brownish tones & white on coated stock. *Only* **1.98**

P394. NAPOLEON & JOSEPHINE. Full color, reds predominate. 21"x26". *Only* **1.98**



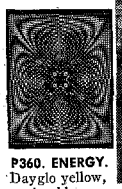
P236. "THE EXPERIENCED." Jimi Hendrix-dayglo purple, cerise, green, blue, orange & black. 21" x 30". *Only* **1.98**

P830. Hug: THE CAT. *On Artists' Canvas*—Siamese in tones of brown, yellow & cream. 29" x 22". *Special* **5.95**

P780. Klee: FLOWERS IN STONE. Full color. 18" x 23". *Pub. at $7.50. Now Only* **2.98**

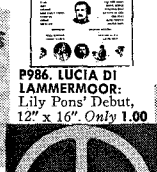
P310. YOUR TAX DOLLARS AT WORK. Silkscreened in dayglo green, cerise, blue, purple. 21" x 32". *Only* **1.98**

P320. LOVE—PEACE. Dayglo cerise, yellow, green & blue, or black; silkscreen. 21" x 32". *Only* **1.98**



P360. ENERGY. Dayglo yellow, cerise, blue, greens, on black. 22"x27". *Only* **1.98**

P329. SUPER-PEACE. Silkscreened dayglo yellow, blue, green, orange, cerise, on black. 33" x 29". *Only* **2.98**



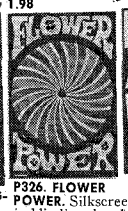
P276. WAR IS GOOD BUSINESS—INVEST YOUR SON. Lithograph in ice-blue, deep blue, and red lettering. 23" x 29". *Only* **4.95**

P986. LUCIA DI LAMMERMOOR: Lily Pons' Debut, 12" x 16". *Only* **1.00**

P797. BAN THE BOMB. Superbly printed in brilliant dayglo color on black. 28¾" square. *Only* **1.49**

P322. SOCK IT TO ME, YEH! Frank Zappa, doing his own thing; black & white. 22"x29". *Only* **1.00**

P325. BE IMPREGNABLE—USE THE PILL. Silkscreened in dayglo cerise, yellow, orange on blue. 21" x 31". *Only* **1.98**



P326. FLOWER POWER. Silkscreen in blinding dayglo cerise, orange, yellow, green & blue, white, on black. 21"x32" *Only* **1.98**

P989. NEVER AGAIN WAR. Silkscreen in blacks on gray with dayglo red. 23" x 30". *Special* **4.95**

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P318. WAR IS NOT HEALTHY FOR CHILDREN... Silkscreened dayglo yellow, cerise & green; black lettering. 22" x34". *Only* **1.98**

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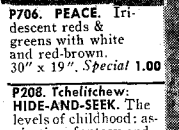

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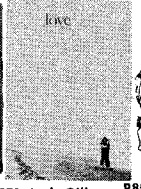

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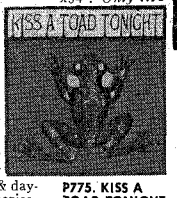

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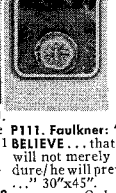

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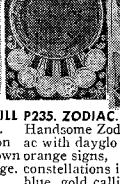

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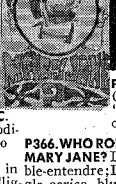

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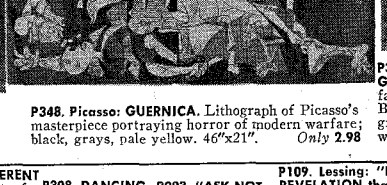

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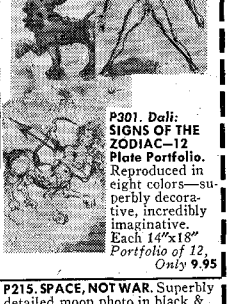

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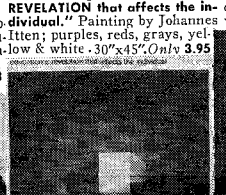

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Nixon Inspirational

Our approach to one of Mr. Nixon's inspirational speeches, like our approach to one of his nominations to the Supreme Court, is tentative and questioning. We come to it hopefully. We want to believe, we want to be carried away. Here is a State of the Union speech, we say to ourself, that may bring us together again. Here is a majestic new figure for the high court who will awe and uplift us like Holmes, or Brandeis or Hughes. Ah me, what do we get? On the Supreme Court it is Burger and Haynsworth and Carswell. Never heard of them.

As to the State of the Union speech we learn that America is six years from its second century of independence, and that "the seventies will be a time of new beginnings." We can't quarrel with that.

How about the racial issue? Mr. Nixon doesn't quite omit this but he buries it in a paragraph saying we must "expand the range of opportunities for all Americans . . . This means equal voting rights . . ." Then he hurries away before Strom Thurmond can cast a questioning glance.

On the economic side, we learn that inflation is all due to unbalanced budgets in the Democratic '60s, a neat and nifty explanation that doesn't hold water because, from 1960 to around 1965, inflation was small, although Messrs. Kennedy and Johnson consciously had deficits to stimulate the economy. No mention of Vietnam and inflation. No mention of the agonizing need for higher taxes and ending the war if we are going to end inflation. The nation is getting bigger all the time; the single most important statistic in the country is that we are adding two million to the population each year; federal costs and expenditures are going to increase – like it or not.

There are good things in the Nixon Inspirational. We think it is fine that he is cutting back our commitments abroad; we think it is fine that he is trying to get better relations with Russia and China. (If it had been Humphrey, he would probably, by now, be called an appeaser by you-know-who.)

Incidentally, Mr. Nixon deftly involves the members of Congress in Vietnam who "have overwhelmingly indicated their support of a just peace." Well, try and define "just." If by that Mr. Nixon means support of withdrawal from Vietnam under cover of so-called "Vietnamization," he has an arguable case.

We shall probably get hung for writing this, but we think it ought to be said anyway: In brief, we think Vietnamization is largely make-believe, designed to save America's face from a war it has lost. It is the last refuge of the hawks. They have been pushed back step by step. They called the idea of "enclaves" preposterous. (We notice *Time* revives the idea again, Jan. 26, as "one solution.") The hawks said bombing had to be kept up, to "save American lives." It was stopped and casualties declined. Next came the most "unpatriotic" notion of all – the proposal to withdraw some of our troops. Lyndon Johnson set the stage for this retreat and Mr. Nixon, to his everlasting political advantage, is carrying it out, under the protective screen of Vietnamization.

Of course, we may be quite wrong about this (it won't be the first time). Maybe Gen. Thieu and his generals can win the war *without* half-a-million American troops which they couldn't win *with* them. But we do know this and can say it with confidence. The return movement of US troops *is* irreversible. Mr. Nixon isn't going to broadcast it in his public speeches. But whether "Vietnamization" works or not, the US troops are coming home. He will always throw out caveats and conditions, but that is the general program and those close to the top are surprisingly positive about it.

Going back to Judge Carswell for a minute, it isn't so much that he made racist declarations in an election campaign when he was 28 any more than it was those curious financial transactions of Judge Haynsworth. After all, once upon a time Hugo Black was a member of the Ku Klux Klan. But Mr. Justice Black was later a senator for two terms; he was known; his views had been established. It was not what they said against Haynsworth that counted so much against him in our book, but that there was so little to be said for him. And this is even more true of Carswell. He has been on the appellate bench for only seven months. He did not have a bad record, he had no record.

There have been courageous and dedicated judges in recent years in the South who had upheld the Constitution amidst obloquy, and whom the nation might be pleased to honor. They have been passed over. Mr. Nixon promised to name only "extremely qualified" men to the court, but he seems to turn compulsively to the South and find Democrats who became Republicans. How can anyone deny a "Southern strategy" in this episode and how can one hope that it will bring the nation together again?

Simplistic Remedies

Everybody is against crime but it is difficult to know what to do about it. Mr. Nixon has again goaded Congress to pass his package of 13 bills, some of which are extremely dubious. Compare the easy, simplistic remedies of Mr. Nixon in his 1968 campaign with what the Milton Eisenhower Commission on Violence came up with after studying the matter a year and a half. Mr. Nixon advocates "preventive detention" (putting suspects in jail without bail). The 13-man Commission unanimously rejects it. Mr. Nixon blamed growth of crime on alleged leniency by the Supreme Court. The Commission says "no." Mr. Nixon saw little connection between ghetto conditions and crime; the Commission says that is the heart of the subject and proposes $20 billion a year as a remedy. Mr. Nixon rejected politically unpopular gun control ("It is not straight talk," Gov. Rockefeller said of Mr. Nixon, "to issue resounding statements on crime control, which wholly omit the slightest mention of gun control"). The Eisenhower Commission makes gun control a major proposal. Hysteria is building up about the very real and deeply dangerous issue of crime. We hope that the Eisenhower Commission will intervene before it gets out of hand.

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Getting Out Of Vietnam

Until President Thieu and Secretary of State Rogers burst his balloon, Hubert Humphrey was sanguine that "our process of disengagement [from South Vietnam] is well under way." The South Vietnamese forces, Mr. Humphrey thought, "are becoming much more capable of the defense of their own country," and American combat troops "will be out of there by the end of 1970 and maybe sooner." Then Thieu said in Saigon that withdrawing all combat troops this year is "impossible and impractical." Moreover, further American withdrawals would depend on whether the United States furnishes his forces with "adequate" equipment and funds. The man's impudence is stunning. Preserving his regime and its predecessors has cost us $100 billion, 40,000 American dead, disorder and demoralization at home and worldwide suspicion that we are blundering bullies. For the purpose of "Vietnamizing" the war, the US has supplied Thieu's army with 700,000 M-16 rifles, 50,000 vehicles, 30,000 grenade-launchers, 1400 boats, 900 field artillery pieces, and more. What next? Will the Nixon Administration resist Saigon's latest bit of blackmail? It would not seem so from the remarks of Secretary Rogers last week. He disclosed that even after US troops have been pulled off combat duties in Vietnam – he can't say when this will be – "there will be American support forces there, and obviously we will have to have some combat troops with the support forces, to protect them in the event of an attack." Mr. Rogers does not mean that our forces will stay in Vietnam forever; the decision to withdraw is "irreversible." Withdrawal may be very protracted, however, and not just from Vietnam. The Secretary practically threw up his hands in horror when a TV interviewer asked him if he envisioned a day when, under President Nixon's "Asia Doctrine," the two divisions that have been stationed in Korea almost 20 years might come home. Not in the foreseeable future, Mr. Rogers replied. Thus, withdrawal means whatever the Administration chooses to make it mean, including non-withdrawal, even when it's irreversible.

The President has, for the moment, persuaded a great many people that he is "on the right track." But will it lead us out, and at what speed? Mr. Nixon stated in his November 3 television address that withdrawal would be geared to the progress of "Vietnamization," the level of enemy activity and developments in the year-old nontalks

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in Paris. Thieu's new demand testifies to the snail's pace of "Vietnamization," but there is other testimony. An American official in Saigon complains, "You know what's going on as well as we do – the South Vietnamese haven't started taking over the fight the way they were supposed to." The commandant of the Marine Corps warns on January 20 that we must "be prepared for setbacks." Correspondent Robert Shaplen is "worried about the ability of the central government to develop any kind of political support." And an American general in the Mekong delta said last week, "I just pray that if the enemy tries another offensive, we can keep the South Vietnamese from panicking." On the surface, there's no reason why they should. Thieu has more than a million men under arms. They have superior American equipment. They are facing fewer than a quarter million opponents whom they repeatedly claim they are decimating.

There are several well-known reasons why the so-called ARVN (Army of the Republic of Vietnam) is low caliber. The rank and file draw hardly any pay and almost literally starve on under 2000 calories of food a day. The poor devils are aware that their officers generally speaking are corrupt, and that some of them are making fortunes from rackets in Saigon and in the provinces. One consequence of these morale-destroying factors is that each year, one Vietnamese soldier in five turns deserter.

The Delta is where most South Vietnamese live and from which US combat troops have largely withdrawn. Thieu's army is now primarily responsible for its defense, but reporter Keyes Beech on an NET broadcast last month stated that "the performance by the ARVN forces [in the Delta] has been very spotty." Thieu has had to fire incompetent commanders there, and North Vietnamese regiments are reported to have moved in as the Americans moved out. If the lunar New Year (Tet, February 6-8) brings further severe fighting in the Delta, "Vietnamization" will be put to an immediate and bitter test.

Meanwhile the American death toll remains over 360 a month, though the rate of "enemy infiltration" according to Secretary Rogers has dropped by 60 percent. Behind the mounting wall of American dead, Thieu builds a Diem-type personal rule that does not command widespread support, having at its base a handful of powerful Vietnamese generals. To Thieu his non-communist political opponents are "dogs" to be packed off to jail, or worse. Yet the Nixon Administration, one must assume from what Secretary Rogers says, intends to go on subsidizing the Saigon government until, sometime, there can be another election, which he has the grace to add is "down the road a bit."

Thieu is more blunt than the Secretary of State. He believes that he has a noose around our neck. He scoffs at the notion of serious negotiations, or sharing power with either the Vietcong or Hanoi. He is out to win a war. And why not? For if it isn't won, *he's* out. To avert military and political defeat, Thieu and Ky know that they must hold on to the American troops, as many of them and for as long as the American people will permit. Mr. Nixon puts his own gloss on this. The President on December 8 warned not Thieu, but Hanoi, that "once we're out and the South Vietnamese are there, they [North Vietnam] will have a much harder individual to negotiate with than they had when we were there." If only Mr. Nixon would put that interesting idea to the test! Withdraw and see. Instead, the President hints at something quite different – the possibility of expanding the war. What else ought one to conclude from his November 3 statement that if enemy activity increases and, with it, American casualties, he will take "strong and effective measures." Bombing the trails in Laos has already been greatly intensified, and that country's frail government leans more and more heavily on our military presence.

It becomes steadily plainer that the alternative to speedy withdrawal is a long, stretched-out stay in Vietnam and Laos, with corresponding casualties and no "victory." Mr. Nixon is for withdrawal, he insists – but *when*? Senator Charles E. Goodell proposes that we say when. He would set a "fixed, public timetable of one year [now 10 months] to accomplish the total withdrawal of all our military personnel." The Goodell plan even offers Thieu what Thieu claims he needs for effective "Vietnamization"; the Senator from New York "would permit the continuation of appropriate military and economic aid to the South Vietnamese government as recommended by the President and approved by Congress." Goodell wisely leaves the character of that government unspecified. His proposal is a litmus test of the intentions of the Administration, and of Thieu's will and capacity to stand on his own. It comes up in Congress again next week, along with the resolution of Republican Senator Charles Mathias of Maryland to dump the Tonkin Gulf resolution that helped shoe-horn us into this war. So long as the Tonkin resolution stands, it can be used to justify creeping intervention in other Asian insurrections. Goodell's and Mathias' resolutions won't end the war but their adoption by the Senate would be an impressive demonstration of the nation's will to get out – no half-way, someday, but altogether and soon.

COMING: The future of legally enforced desegregation — by Alexander M. Bickel

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Haynsworth to Carswell

What the President means when he says he intends to put some "strict constructionist" judges on the Supreme Court is plain enough. He intends to pick men who, he hopes, will be – literally – conservative in the use of judicial power, who will leave the initiative for reform and change to the President, to Congress and the state and local government bodies. The Court Mr. Nixon envisions would consolidate the reforms of the Warren era and perhaps modify and moderate them here and there. Mr. Nixon can hardly expect a Court in the immediate future which will overturn them.

The latest "strict constructionist" to be chosen is G. Harrold Carswell of Tallahassee, Florida, formerly a judge of the US District Court for Northern Florida by appointment of President Eisenhower in 1958, now a judge of the US Court of Appeals for the Fifth Circuit, covering the Deep South, by appointment of President Nixon himself last year.

Judge Carswell's record has raised no such issues of conflict of interest as defeated the nomination of Judge Clement Haynsworth. But in racial cases that came before him in his jurisdiction in Northern Florida, Judge Carswell proved himself more of a "strict constructionist," more of a conservator of judicial power, and hence more grudging and unsympathetic toward Negro legal claims than Judge Haynsworth.

When the law stood at various crossroads with respect to the complex problem of desegregating the public schools in the South, Judge Haynsworth was not the one to move it boldly forward, and the same can be said of Judge Carswell. Courts above them, the Supreme Court and the Court of Appeals for the Fifth Circuit, made the forward moves, reversing Haynsworth and Carswell in the process. But unlike Judge Haynsworth, Judge Carswell hung back in more elemental cases concerning segregation in other public facilities, and harassment by local police of Negroes trying to desegregate private facilities such as theaters. Early last June, when the Senate was considering the nomination of Judge Carswell to the Fifth Circuit Court of Appeals, the Leadership Conference on Civil Rights, a coalition of the major civil rights organizations, filed a brief with the Senate Judiciary Committee opposing confirmation, and citing cases such as those just mentioned.

On the evidence of this nomination, following the abortive one of Judge Haynsworth, it is clear not only that the President wants a less intrusive Court, but also that he is determined to put, and now, a representative Southerner on the bench. The Court lost a Southerner – a Texan, anyway – when President Johnson replaced Tom C. Clark with Thurgood Marshall in 1967. The remaining Southerner, of sorts, is Justice Black, who is 83 and was appointed nearly 33 years ago. Quality of intellect, force of character and ideological orientation should be the decisive criteria in making appointments. The Court ought in no sense to be a representative body. Yet over time it is well that the Justices should reflect most of the major interests and regional groupings in the nation. Over time, the Justices have done so, and the confidence of our people in the Court has been strengthened thereby. The Southerner the has been strengthened thereby. The Southerner Mr. Nixon has chosen, it should be said, has not expressed segregationist convictions as a judge – there are such judges on the federal bench in the South. Yet in the sense in which the President uses the term, he has so far as racial matters are concerned, picked a rather "strict constructionist" in Judge Carswell.

The only form of direct political control over the Supreme Court is exercised through the appointment power. But that power is shared with the Senate, and a majority there has some right also to give effect to its own preferences in judicial policy. If either the President or the Senate should insist uncompromisingly on a set of ideological specifications for judicial office, there will be deadlock, which neither side ought to want, or is likely to find politically profitable. The Carswell nomination, like that of Judge Haynsworth, is described by the White House as "outstanding," yet neither man is noted for personal, professional or intellectual qualities that are out of the ordinary, or for breadth of experience. Both are lawyers and judges of comfortable local reputation. Besides, the nomination of Judge Carswell denotes a marked ideological shift that may be disagreeable to many, perhaps the majority of the Senators. The Presidential prerogative should certainly not mean that all accommodation is to come from the Senate, and none from the President. Still assessed solely on the basis of Judge Carswell's judicial record, this nomination would probably fall within that area of ideological leeway in which the President is entitled to have his initiative prevail.

While Carwell's judicial record may be all that Attorney General Mitchell bothered to investigate and bring to the President's attention, there is, however, another record. As a young lawyer in his native Georgia county in 1948, Judge Carswell ran for the legislature as an out-and-out segregationist: "I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people. If my own brother were to advocate such a program, I would be compelled to take issue with him and to oppose him to the limit of my ability. I yield to no man, as a fellow candidate or as a fellow citizen, in the firm, vigorous belief in the principles of White Supremacy, and I shall always be so governed." So said candidate Carswell, and printed what he said in the lead position on the front page of a local newspaper he was editing.

When the Associated Press reported these words, Judge Carswell immediately issued a statement. He had

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read, he said, as if beginning a denial, "a summary of what is attributed to me as a young candidate some 22 years ago." He now renounced and rejected the words and the thoughts: "They're obnoxious and abhorrent to my personal philosophy. There is nothing in my private life, nor is there anything in my public record of some 17 years which could possibly indicate that I harbor racist sentiment or the insulting suggestion of racial superiority."

Men do change; their views and political outlooks change. Even deep convictions, held with the tenacity of habit, bred in, as candidate Carnswell said of his segregationist convictions, "by ancestry, birth, training, inclination, belief and practice," do change, especially as men's roles change. Hugo Black, as TRB reminds us, was a member of the Klan for a brief period in the 1920s. But Justice Black would not likely have been confirmed had his previous Klan membership been known at the time of his nomination.

When so fundamental an attitude is in question, we tend to be persuaded of the change in a man by what he has done since that bespeaks a palpably different attitude. We know now how the judicial robe and no doubt his earlier experience on the national scene, changed Justice Black. We know nothing of the sort from Judge Carswell's judicial record. He has not misused judicial power to segregationist ends. Nor has he used it, however, to demonstrate that he has been purged of his early segregationist, racist convictions.

Neither racism nor the unrebutted appearance of racism belongs on the Supreme Court. Unless the Senate can convince itself that what still lodged in Harrold Carswell 22 years ago "by ancestry, birth, training, inclination, belief and practice" has been bred out of him by subsequent experience, it must not confirm him.

It's Too Late for Yablonski

The Yablonski murders were a shock but might have been predicted by a computer which had been fed what is known about the United Mine Workers of America and the way it conducts its elections. Joseph Yablonski and his supporters kept a running written commentary on last fall's election campaign, which documented sufficient threats and actual violence to make the eventual murders fit quite logically in the story line. Now the FBI has filled in the blanks where the names should go with three suspects, petty criminal types whom newspaper innuendos are making out to be hired killers. The courts will decide that. But the outcome will not erase the taint of complicity on the Labor Department, for it had been apprised of what was happening, it knew, and did nothing about it.

Yablonski, through his lawyer, Joseph Rauh, began in the summer to request a Labor Department investigation. During the nominating elections in union locals, illegal attempts were made to deprive Yablonski of the 50 local nominations necessary to run in December. On July 18 Rauh wrote Labor Secretary, George Shultz, "It can truthfully be said that there has never been the equal in massive violations of federal law to what the officers of UMWA are now doing." Seventeen specifications of election tampering were subsequently produced by Rauh.

The United Mine Workers *Journal* covered every move of incumbent president Tony Boyle, and ignored Yablonski's candidacy. One 24-page issue carried 34 references to Boyle, no mention of Yablonski. Union funds and paid employees were used for the Boyle campaign. Yablonski had little money and only volunteers. After Yablonski had gone to court to obtain an injunction directing the UMWA to send out Yablonski literature at union expense, as it had Boyle's, a union lawyer tried to stop the mailing by telling a Post Office official that it was not a legitimate use of the union's mailing permit. It also took a court order in July to reinstate Yablonski in his job as director of the union's Labor Nonpartisan League, from which he had been fired by Boyle. Every conceivable tactic was used to deprive Yablonski of the requisite nominations. A paid UMW official tried to force a merger of a pro-Yablonski local in Oakwood, Virginia, with a larger and presumably pro-Boyle local nearby. Failing in this the UMW official "literally snatched the official seal of the local and escaped therewith with local union members in hot pursuit." In some locals meetings were suddenly called for the purpose of preventing Yablonski nominations. On July 5, without notice and before the official nominating period had begun, a surprise meeting was called by a Ragland, West Virginia, local. About a dozen of more than 200 members showed up; no one was told in advance that nominations would be made; Boyle was nominated.

Rauh charged that the FBI had "received statements from several UMWA employees who were forced to assist in the conversion of union funds into Mr. Boyle's election campaign chest," that membership lists were used by Boyle but denied to Yablonski, that votes were bought ("Local union presidents in Southern Illinois are being offered $150 to $200 each to coerce their locals into nominating incumbent Boyle and to block nominations" for Yablonski). The attorney asked the Labor Department to "test our allegations by its own investigation." The request was denied. On July 25 Secretary Shultz wrote his Department "chooses not to conduct investigations before an election is completed." On August 13 Rauh submitted additional allegations of illegal UMWA activities to the Secretary. On August 2, for instance, the voters of Local 1476 in Nora, Virginia, nominated Yablonski over Boyle "by a large majority." A few minutes later a union employee got up, "made a boisterous speech and conducted another

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vote by which Mr. Boyle was directed the winner."

Yablonski did manage to get enough nominations to run in December, however, and stayed in the race despite a karate chop that brought him down in Springfield, Illinois, and threats of violence against his supporters. In his August 13 letter Rauh wrote that Houston, Pennsylvania, local president Marion Pelligrini, "has twice been threatened on account of his public support of Mr. Yablonski, once by Mr. John Popp, a UMWA District representative, and again by Mr. Stanley Budzik, a local union officer." (After the Yablonski murders Pelligrini received a phone call in which he was told, "You're next.")

Following the election in which Boyle predictably won, Yablonski again petitioned Shultz, this time to void the election on the grounds of massive irregularities. Yablonski had stationed 2000 volunteer poll watchers throughout the country on election day. In Connellsville, Pa., a Yablonski observer, Marty Conners, claims to have been threatened by the local president, Roy Lindsay, a week before the election. According to Yablonski's son, Joseph, "Lindsay said he would kill Conners if Conners tried to come onto Lindsay's property to observe the election." The threat was reported to the FBI and Conners was allowed to observe. Ballots were numbered to coincide with a register of voters, so as to deprive voters of the secret ballot. Elsewhere, absentee ballots, prohibited by the union's constitution, were seen in use; in one local with only 57 eligible voters 59 votes were cast for Boyle, one for Yablonski; in another local, 40 more votes were cast than there were persons who appeared to vote. In numerous instances Yablonski observers were not allowed to be present when votes were counted.

Whereas the Labor Department had not felt it possible to investigate charges before the election, it could not act to invalidate a union election under the Landrum-Griffin Act until 90 days after the outcome had been challenged within the union. As a formality Yablonski wrote union officials that he wasn't sure what remedies were open to him within the union but whatever they were he was seeking to invoke them. In one of these last letters, December 18, he urged union officials to defy Boyle: "I too once submitted to the discipline of Tony Boyle. But I shall die an honest man because I finally rejected that discipline. I realized at long last that the time had come to stand up and be counted for decency in our union and a better life for the miners we represent."

After the murders, Shultz and the Department announced they were reconsidering their decision not to investigate since, as Joe Rauh bitterly put it, Yablonsky had finally exhausted his administrative remedies within the union. But it took the official assent of the UMWA leadership for the Labor Department to put 200 of its people to work on an investigation. It's too late for Yablonski.

Draft Odds

Besides arguing that the draft lottery would be fairer than the old system, proponents insisted it would reduce uncertainty: young men would know where they stood and could plan accordingly. There is now reason to believe that this second notion, at least, isn't so: life for draft registrants is about as uncertain as ever.

The way the lottery is supposed to work is that all young men classified 1-A are exposed for only one year to the risk of being drafted. For men without deferments this is the year in which they turn 20; for others, it is the year in which their deferment expires. Within the pool of 1-As, the order of call goes by the date of the registrant's birthday. According to the scheme, a neat rule of thirds ought to apply: the lowest third, men who in this drawing drew numbers 1-122, know that they face a high probability of being drafted; the highest third can breathe easy; the middle third are in doubt.

It isn't working out that way. Some local boards seem likely to run through all their numbers before Groundhog Day, and many more by the end of the year, putting numbers of registrants who thought they were in the clear back into jeopardy for a second time.

There are two reasons why the lottery isn't panning out as predicted. The first is the grotesque variation in the circumstances and quality of local boards. Those with ample supplies of 1-A men may have to travel only half-way up the list of lottery numbers. Others will exhaust all their numbers every month and will have to go back to their files for more draft fodder. In making its estimates for the lottery, the Pentagon assumed that local boards would promptly classify as 1-A everybody who belongs in that category. This has never happened before, nor is it likely to happen now, since the lottery makes no changes in the conduct of local boards. Poorly run and understaffed boards only reclassify when it is necessary to meet the current month's draft call. Thus uncertainty will continue to be a constant of the system.

The Pentagon also erred in guessing that a draft call of 225,000 men for 1970 would require a national lottery cut-off number of 166. Many observers now think that the number should have been set much higher, and some think that 240 would be a sounder estimate. One source of this error was a failure to consider the logic of the situation from the point of view of those who hold different lottery numbers. Those who have drawn high numbers are frantically working to undo any service commitments, such as ROTC. High-number holders with no military obligations – elated by Selective Service and Pentagon promises about the lottery, and unaware of how shaky these are – are scarcely good prospects for enlistment. And while some low-number holders are taking a deep breath and enlisting, many more have every incentive first to try to scramble for a deferment. If such low-number men do get deferred,

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this, too, will have its effect on the pool, for local boards will have no remedy but to toss in more supposedly secure high-number men to make up for the loss. The cumulative effect of all these individual responses to the lottery, as a number of local Selective Service boards are starting to report, is that a lot of lottery participants are due for a nasty surprise.

No one holding a high number in the draft lottery has a constitutional right to be exempted from the draft. But those who were promised a more predictable and rational draft system are right to feel cheated. The lesson for every draft-age young man is clear: you can't be sure of anything. Those with deferments will start to see that it makes no sense to give them up to take a dip in the lottery pool, unless a local draft board is able to give some assurance about what number it will reach. Many won't be able to. For Congress and the public, the lesson is that the lottery is no more draft reform than the tax law was tax reform. Selective Service remains capricious and inefficient, a partnership of formalized injustice and random error. Only a thorough reform, as proposed by the Marshall Commission, Senator Kennedy, and Kingman Brewster of Yale can substitute the rule of law for the rule of clerks.

David Kendall and Leonard Ross

Confusion on The Pill

Senator Gaylord Nelson (D, Wis.) has completed the initial phase of hearings on whether users of The Pill are adequately warned about demonstrated and suspected hazards. He "didn't exactly resolve the confusion," a *New York Times* account said. The first couple of days of hearings "may, in fact, have contributed" to the confusion. That is fair comment. Crucial words, phrases and concepts have yet to be clearly defined. Nelson may have to show some of the vigor he displayed at other drug hearings. Several reporters have noticed that initially, at least, he presided as a kind of master of ceremonies and left it to Senator Thomas J. McIntyre (D, N.H.) to challenge seriously misleading testimony.

Thus, one of the early witnesses, Harvard gynecologist Robert W. Kistner, said, "The Pill is safe. It is safer than pregnancy but not as safe as continence." That phrase "safer than pregnancy" has a potential to mislead. Pregnancy is relatively safe in some women and relatively unsafe in others, depending upon factors including age, health, and the availability of quality medical care. And contrary to Dr. Kistner's implication, the choice for many women is not simply The Pill or pregnancy, or pregnancy or continence, but The Pill or the IUD, the diaphragm, vaginal foam, or condoms.

Another tricky word that keeps creeping into the dialogue is "sensational." Thus the American College of Obstetricians and Gynecologists found it necessary to issue a statement deploring "inaccurate or sensational reports" concerning the drugs. Dr. Michael Newton explained to Harold Schmeck of the *Times* that the College "is concerned about any of its Fellows who report scientific data in a sensational manner." Such statements always seem aimed at those who question safety, not at those who assert it. Dr. Newton might look to his organization's official journal, *Obstetrics and Gynecology*. In 1966 it published a report on cervical cancer. The principal author was Dr. J. Ernest Ayre. His National Cancer Cytology Center issued a simultaneous press release saying that, being based on a "daring three-year study," the report "should remove many of the doubts of those who prescribe and those who take oral contraceptives." The headline on the release was, " 'THE PILL' FOUND SAFE FOR USE BY PATIENTS WITH EARLY CERVICAL CANCER."

The position of the Food and Drug Administration – then and now – is that the available evidence is insufficient to warrant a conclusion that The Pill does or does not cause cancer. Therefore users are taking a chance. Dr. Ayre's press release made it clear he was talking about one brand, G.D. Searle & Co.'s Enovid. But it turned out that Searle had been making annual grants to Dr. Ayre since 1963. And Dr. Ayre turned up as a witness at a trial at which the FDA fought off a challenge to its order halting production of a "vaccine" intended for terminal cancer victims. Dr. Ayre testified that he had administered the untested stuff to women whose cervical tissue had been diagnosed as *precancerous*.

A variant on "sensational" is "panic." Thus the Searle firm once warned editors and book reviewers about a book that could "panic" American women into going off The Pill. Why is concern so rarely expressed about those things that "panic" women into going *on* The Pill?

At the Nelson hearings, Dr. Edmond R. Kassouf submitted a series of pamphlets which makers of The Pill distributed to women via their doctors. All of them deny and distort the facts which the FDA and the manufacturers have agreed upon for the official labeling. For example, a Parke-Davis pamphlet dated June 1969, says that studies in Great Britain indicate that blood-clotting diseases (which are sometimes fatal, sometimes disabling) "may" occur more often in users than nonusers. But the official prescribing instructions for the physician – not seen by the patient – say that oral contraceptives *do*, not "may," cause clotting, and at rates seven to ten times those in nonusers.

Here, from Dr. Kistner's prepared statement, is an example of potentially misleading testimony:

> The FDA advisory committee reported [in 1966] only one patient among the millions of users who

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developed breast cancer. They concluded: "If the oral contraceptives are at all carcinogenic for the human breast, they cannot be very potent and the occurrence from this cause must be extremely rare."

The quoted statement came from a report which, Dr. Kistner failed to point out, emphasized the gross underreporting to the FDA of adverse reactions. That the FDA knew officially of but one user with breast cancer showed one thing only – that the reaction-reporting system was even worse than had been assumed. On a purely statistical basis, at least 1200 women of childbearing age among the 3.8 million women on The Pill developed breast cancer in the year at issue. Even if The Pill was in no case responsible, the fact is that Dr. Kistner converted to his own purposes the reporting to FDA of only a single case.

On the night of the first hearing, January 14, the Huntley-Brinkley Report presented on television a critic of The Pill and a defender – without saying that the defender had not been, and is not scheduled to be, a witness. The next night, Huntley-Brinkley ignored the damaging and newsy testimony of Dr. Kassouf on the misleading pamphlets and the role of the AMA – and presented instead an interview with a Searle executive at the company plant in Chicago and a statement by an AMA official, also in Chicago, that women will be all right so long as they stick close to their doctors. The night after that, although there was no hearing that day, Chet Huntley, setting up a straw man, said that doctors were concerned about suggestions that The Pill be taken off the market. No such suggestion had been made at the hearings as of that time. But Huntley-Brinkley proceeded to knock it down with an interview with a Planned Parenthood physician. (No general criticism of NBC News is intended. For example, the *Today Show* presented a balanced panel of physicians on the morning before the hearings opened.) On January 14 Robert H. Finch, Secretary of Health, Education, and Welfare, was reported to have said in Houston, Texas, that by and large The Pill is "the best way" (for "women"? or for "woman"?) to prevent conception. Senator McIntyre pointedly reminded the Secretary, who is building a record of disastrous meddling in FDA regulatory matters, that his words were clearly contradicted by "the scientific evidence well known to the Food and Drug Administration in Finch's own Department." (Indirectly underscoring McIntyre's point, the FDA on Jan. 19 sent a letter to all doctors urging "full disclosure of the potential adverse effects . . . thus permitting the participation of the patient in the assessment of the risks . . .") All in all, no wonder there's confusion.

Morton Mintz

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The Nixon Watch

Henry's Wonderful Machine

During an inquiry into the evolution and present workings of the policy process devised and operated for President Nixon by his assistant for national security affairs, Henry A. Kissinger, several people who are involved in the process at the White House and in the State Department were asked whether they could think of any major decisions or departures in foreign policy that would not have occurred if the Kissinger system – "Henry's wonderful machine," I had come to call it – did not exist.

One of Kissinger's principal assistants answered: "No. But I do think the decisions have been better defined and conceived, their consequences have been better estimated and projected, than they would have been without it." Another said: "There probably has been no decision made or policy adopted that wouldn't have been if this system did not exist, but there's a much keener awareness of what we are doing, a better understanding of the consequences." A State Department man who works closely with both Kissinger and Secretary William P. Rogers answered: "That's very hard to say. I don't think you can really answer that question." A deputy assistant secretary who is much occupied with meeting the Kissinger staff's demands upon the department said: "No, I shouldn't think so. It may have resulted in a few cases in our being better prepared to deal with problems that may arise – in the sense of identifying the courses that may be taken and of estimating the consequences in advance." Another deputy assistant secretary who is similarly occupied said: "How effective it all has been is a little hard to say. It has got the interested agencies involved, it has influenced the higher levels, but the extent to which it has actually affected policy is a subject that requires further study." Didn't he get some measure of the impact by comparing ultimate decisions with the papers that the interagency group with which he works submitted to the President through the Kissinger machine? "Once in a while you do," he replied. "I've seen a couple of instances of cause-and-effect, but it's been less than one would expect."

As all of the quoted officials pointed out, in one way and another, my question and their answers could produce an unfair and, to policy professionals, an irrelevant judgment of the process and its worth to Mr. Nixon. Its purpose, they argued, is not to determine policy or even necessarily to affect policy decisions. The purpose is to inform the makers of policy – officialdom would say, *the* maker of policy, the President – so thoroughly and so well that the final decision is at least based upon the best attainable understanding of all

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that is involved and the best attainable estimate of the probable consequences. That is what the Kissinger system is designed to accomplish. A judgment as to whether it does or not would require a knowledge of the information, of the nature and range of the choices provided the President through the process, that is denied the outside inquirer. One can only examine the process itself, and marvel that so many people go to so much trouble for so little demonstrable result.

The preparations for the Strategic Arms Limitation Talks (SALT) with the Soviet Union, in the preliminary phase recently concluded at Helsinki and in the substantive phase soon to begin in Vienna, have by all accounts been the most thorough of their kind, and they have been and still are being made within the Kissinger system. But the actual positions to be taken are still under review; the President has yet to make the decisive choices by which he and the process that informs his choices will be judged. Three meetings of the National Security Council, the Cabinet-level group at the apex of the system, and countless man-hours of NSC staff study and calculation went into the Middle East policy recently outlined by Secretary Rogers. But its essentials – the Israelis should withdraw from most of the Arab territory seized by them in 1967, the Arabs must accept the fact of Israel and come to peaceful terms with it – were implicit in Nixon statements before he was elected and were outlined to the Senate Foreign Relations Committee by Rogers last March 27, long before the NSC and departmental studies then under way were completed. A basic "China paper" was cleared through the Kissinger system last year. But Nixon had set forth the essentials of his present approach to China and to American commitments in Asia – he wants negotiation with Peking, he proposes to sustain all of the commitments at reduced and minimal cost to the United States – in a *Foreign Affairs* article published in October, 1967. The interdepartmental group (IG) that deals with Far Eastern policy for Kissinger at the agency level had nothing to do with the specific decisions last year to relax restrictions upon travel and trade with Communist China. The American invitation, just accepted by Peking, to renew ambassadorial talks in Warsaw after a two-year lapse, was issued by Rogers last February, when the Kissinger system barely existed. The Nixon policy of gradual disengagement from Vietnam, meanwhile urging and awaiting substantive negotiation with Hanoi and the NLF in Paris, has been and still is the subject of intensive NSC and departmental labor, but I find it interesting that in 10 days of inquiry not one policy official attributed it to the Kissinger process as such.

COMING: "Inefficient America," or why nothing seems to work anymore

At the peak and center of the Kissinger process is his own White House staff – formally, The National Security Council staff. It keeps growing (from 27 functional officers at the start last year to 44 listed on a roster dated January 8) and most of the growth is in the two administrative sections that serve Kissinger himself. His personal staff, headed by Brigadier General Alexander Haig, an Army man, has doubled (from three to six). The staff secretariat under William Watts, a former Foreign Service officer who got to know Kissinger when both of them worked for Nelson Rockefeller in 1968, has seven people doing what two tried to do earlier. There are 19 "operators," five "planners," (two of whom double as "operators") and eight "program analysts." Trying to define and differentiate their functions is a stupefying exercise, partly for the excellent reason that the operators plan, the planners operate, and the analysts do some of both. All of them contribute to the objective described by Kissinger in the spring of 1968, when he was advising Governor Rockefeller on foreign policy and didn't dream that he would be Mr. Nixon's chief staff adviser on that subject, in remarks to a University of California (Los Angeles) seminar. He said then that a new President who wants to change the direction and mechanics of policy "must do so within the first four months. He need not complete it within this time, but he must give enough of a shake to the bureaucracy to indicate that he wants a new direction and he must be brutal enough to demonstrate that he means it."

Kissinger has served Nixon as, among other things, his surrogate brutalitarian. Whether the President has really given foreign policy as a whole "a new direction" is questionable. But there can be no question that the brutality has had much if not all of the desired effect upon its principal target, the bureaucracy of the Department of State. A humbler and more quiescent lot of departmental officials is not to be found in Washington. This is partly, if paradoxically, because they have acquired a heartening sense of confidence in their Secretary, William Rogers, who after months of seeming indifference to the woes and problems of the department has begun to assert his right of command over it, along with his prerogatives as the President's senior constitutional adviser on foreign policy. Given their recent assurance that somebody really is up there on the secretarial Seventh Floor, looking after them and at last countering Henry Kissinger's year-long preeminence in the public mind, they now accept as a fact of governmental life intrusions and demands from the Kissinger apparatus that until recently seemed to be intolerable. Department officers who all but hissed when they said "Kissinger" now speak of "Henry" in the tone of intimacy that is heard when members of his own staff talk about him. The department bureaucracy has recognized the fact that "Henry" is indeed a surro-

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gate, speaking and acting for the President along lines and through organizational channels that Nixon conceived for himself and authorized Kissinger to implement in structural detail. "This is the way the President wants it," State's people tell each other. The nature of officialdom being what it is, what a President is known to want is more acceptable than anything a mere staff subordinate, however eminent, is supposed to want.

Organization and method apart, the atmosphere encountered now among Kissinger's assistants in the White House basement and across the street in the Executive Office Building encourages a belief that "Henry's machine" justifies all the pain and effort that has accompanied its establishment and evolution. The rather negative appraisals quoted at the beginning of this report reflect a modesty of claim that is refreshing in itself. It is good to hear one of Henry's planners say of a current study project: "Our whole posture in Laos is subject to critical disagreement. Outsiders ask searching questions about it, so why shouldn't insiders ask them?" And of the President's vaunted "new direction" in Europe: "We have a stance, an attitude, in Europe that is well defined. But it isn't a policy. It doesn't add up 'by itself' in a coordinated way, to a policy that takes into account all of the issues and factors that ought to be considered together." Or to hear a Kissinger operator, one of the geographic officers charged with oversight of departmental activity in his area, say of the Middle East (which is not his responsibility but does concern him): "We have a fairly coherent policy and strategy for that area. But it's always subject to reassessment. What do you find if you project the present policy forward four or five years? Will it make a difference if you do? We ask the question, and try to suggest the best answers we can."

Kissinger's continuing dissatisfaction with many of the answers – the famous options demanded by Nixon and submitted to him through Henry, principally from State – is a subject of interesting comment among his subordinates. Some of them believe that he is unduly harsh, that the quality of many of the incoming policy papers has been quite high, and they imply that some of the NSC staff work devoted to analyzing, criticizing and supplementing the departmental papers is wasted. Wasted, that is, unless Henry's needs are considered. Constantly driven and consulted by Nixon, subject to a multitude of other demands upon his time, however, Kissinger is compelled to draw down his own "intellectual capital" and looks to his assistants and to the departmental staffs at their beck, to replenish it. A thinker by profession, now deprived of adequate time for thought, he is said to expect "not a substitute for his own thinking, but a sort of analytical supplement to his thinking." Nixon considers himself to be a thinker. The quoted remark about Henry Kissinger may be a good definition of the principal service that he tries to render the President.

Note: After my report that Mr. Nixon "dyes his hair" appeared, White House assistants who see the President every day convinced me that he has convinced them and his barber that he doesn't. They failed to convince me that he does nothing whatever to conceal the grey in his mop. He does conceal it, or did until it was reported that he does.

John Osborne

A Proposal for Full Employment without Inflation

Stabilizing the Economy

by Melville J. Ulmer

Since the end of World War II, our economy has been rocking back and forth between excessive unemployment and excessive inflation, never succeeding in banishing both at the same time, even temporarily. Our efforts to alleviate poverty, improve health and education, or deal with other basic problems have been undermined by dangerously rising prices or deepening recessions in an endless cycle.

Most often the Vietnam War is offered as the reason why we do not attack poverty, mendacious advertising, military extravagance, urban blight, a polluted environment with sufficient vigor. But the Vietnam War did

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not begin in earnest until 1966. We have had plenty of time, and ample affluence since World War II, to demonstrate good will and determination.

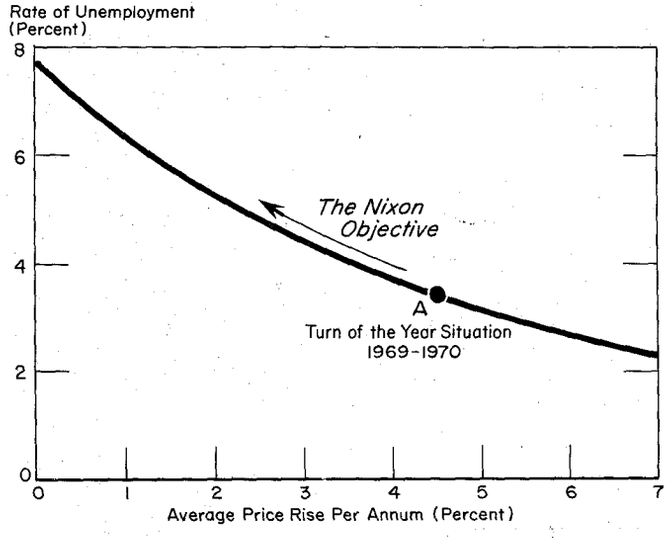
Our failures no doubt have many sources, but central to them all is our inability to establish a satisfactory state of economic stability. We have been preoccupied at times with fighting inflation, and we typically do this by increasing unemployment – a technique used notably in 1949, 1954, 1958, and today. At other times our concern has been with fighting unemployment, and we typically do this by creating inflation – or we did repeatedly in the 1950s and the early and mid '60s.

The result of these constant fiscal and monetary manipulations has been the creation of the modern "stop-go" economy, a rough duplicate of those in our sister democracies of Western Europe, Canada, Australia, and New Zealand. At no time since World War II, except during the peaks of the Korean and Vietnam wars, have we approached full employment. At no time, except for a single recession year (1949), have we stabilized prices. From 1949 to 1969 the price level rose by 54 percent. The average unemployment rate over that period was five percent of the labor force. A *true* full employment rate would be about two percent. The welfare states of Western Europe have had considerably more inflation and a little less unemployment on the average. But they, too, have rocked from cycle to cycle.

I would attribute our failure to a familiar lag in institutional adaptation. Economic administrators around the world have been committed to the "New Economics" – Keynesian fiscal and monetary policies that are nearly 40 years old. According to the accepted formula, when recession threatens, increase government spending, or reduce taxes, or both; then mix carefully with easy money. When inflation threatens, do just the opposite. It sounds simple, and is – too simple.

In practice, it has appeared, inflation is always with us, and unemployment too. But they do not remain at the same intensity. That is, during a business expansion, the more we reduce unemployment, the faster prices rise. During a business contraction, the more we dampen inflation, the greater becomes the rate of unemployment. I have diagrammed this relationship as it appears in the United States at the start of the 1970s, in the accompanying chart. All the New Economics does is to move us from one point on the curve to the other. And so we have moved, back and forth, under Truman, Eisenhower, Kennedy, and Johnson, sometimes fleeing "excessive" unemployment, sometimes fleeing "excessive" inflation. We are now at point A on the diagram, with President Nixon trying to thrust us in the northwesterly direction.

THE SOCIAL MENU CURVE



The obvious question is, why? Why are we enntrapped by an inflation that never ceases – even when unemployment is steep – but simply rises and falls in intensity like a stubborn fever.

Good textbooks describe several causes of inflation, but for brevity at this point I shall call attention to only one – one I consider fundamental and so new on the economic scene that it is all but universally overlooked. This new factor has to do with the wide and growing disparity between the structure of the demand for labor and the structure of its supply. It is hardly news that modern technology has been demanding a high level of skills. But while the *demand* for labor has been altered, in favor of more skill, the corresponding change in the *supply* of labor has lagged. Our average educational level is now much higher than ever before, yet in the nation as a whole the shift in the composition of the supply of labor toward greater skill has not kept up with the shift in demand. In 1961, when the general unemployment rate was seven percent, unemployment rates were 14 percent for unskilled workers and 10 percent for semi-skilled workers. So, for those lacking training, education, or experience, the '61 recession was a depression. The other side of the coin is that in that year the unemployment rate was only two percent for technical workers and professional employees, and less than two percent for business and public administrators. From medical technicians and computer programmers to machinists and draftsmen, skilled personnel were in short supply. And the prices of these scarce services rise under these circumstances, bringing pressure on the price level. The consumer price-index was of course moving up throughout the recession years from the late 50s to the early 60s, though moderately.

The accelerated rise in the price level came soon after, as the contrast just described grew more intense. By 1966, the overall unemployment rate had been pushed down to four percent. For the unskilled, however, jobs remained hard to get; seven percent of them were out of work. For the remainder of the labor force the situation was dramatically different. Bear in mind that Census Bureau surveys are snapshots that are bound to catch some between jobs or in some acci-

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dental way temporarily idled. Even so, the unemployment rate in 1966 was down to an almost unbelievable one per cent or less for technical workers, professional employees, and business and public administrators. In general, skilled personnel had become extremely scarce, creating truly inflationary situations, *even though the unskilled were still in surplus*. Also in 1966, the consumer price-index rose by fully three percent and gathered momentum for the even stronger inflation that developed later. Thus, the more we attempt to raise overall demand so that unemployment can be reduced, the more we exacerbate the disparity between demand and supply in the markets for scarce, skilled labor. And then the more intense grows inflation, until we are forced to pull back, building up unemployment once again. The process is as self-perpetuating and reinforcing as getting drunk to cure a hangover.

Note that a scarcity of skilled personnel, like inflation, is always with us, even in fairly steep recession. It is simply a question of more as in 1966 and now, or less as in 1961. The inevitable consequence is that the public, business, and organized labor become psychologically attuned to inflation which in itself gives the price euphoria a further fillip. The root of the problem is in the structural disparity between the demand and supply of labor. When overall demand subsides, unemployment mounts, the relative scarcity of skilled labor diminishes, and the advance in the price level is reduced to a crawl.

Plain common sense suggests that there must be a better way to stop inflation than to create unemployment, and then perhaps feed the idle a bribery of handouts called, idealistically, a guaranteed income. In the first place, no Administration would have the temerity, deliberately to create enough unemployment to stop inflation cold. That would require an unemployment rate of between seven and eight percent, or about six million idle workers. In the second place, bribery tends to perpetuate and extend, rather than cure, the "culture" of poverty. What is needed is an attack on instability itself, so that those now in poverty can become useful, participating members of society.

I propose integrating all government activities associated with welfare, manpower training, other anti-poverty measures, social security, and unemployment insurance in a single coordinated agency. For convenience, I call the new agency the National Service Administration, or NASAD. While new, it would displace more than a few agencies and bureaus which now operate in these fields, often at cross purposes.

The first and foremost obligation of NASAD would be to channel all those now able to work into jobs in private industry, in other branches or levels of government, or in NASAD itself. In other words it would guarantee full employment, using its own resources as a final measure to do so. And it would find or provide jobs not only for those we now count as unemployed, but for the many we don't – the many "outside" the labor force who stagnate in discouragement on welfare rolls and the "overage" workers displaced from useful lives by institutional technicalities. All the activities of NASAD would be tax-financed. Not only would its operation, therefore, be noninflationary, it would be positively anti-inflationary by increasing the supply of scarce, skilled labor and by expanding the nation's output. Above all, the operations of NASAD would relieve the nation of one major, recurrent obligation; it would no longer be necessary, time and again, to raise overall demand to inflationary heights in order to reduce "excessive" unemployment. Full employment would be assured by NASAD, perpetually, at a noninflationary level of the national income. Since NASAD itself would be employing surplus labor, it would function as a service agency for public works programs around the country, at all levels of government.

The starting point of the system is that anyone who wished to apply to government for financial aid in any form, including unemployment insurance, would be required to register with the National Service Administration. After suitable testing, the registrant would thereafter be assigned to one, or in a few instances more than one, of the following four programs:

1. *Job Placement.* NASAD would maintain a continuous, computerized inventory of the nation's job opportunities as well as of the nation's idle, all of whom would be registered with its comprehensive nationwide employment service. Employers would be *required* to report job openings with the government employment service, and where possible, to give advance notice of vacancies as well as layoffs. Jobs would of course be offered to registrants in line with their qualifications, though employers would remain free to hire anyone they wanted, within or outside NASAD rolls. Where necessary to bring men and jobs together, NASAD would provide grants and loans to finance moving and housing.

2. *On-the-Job Training.* Those men and women not properly placed in jobs through the employment service would be assigned to on-the-job training in industry, in state and local governments, and within the National Service Administration itself. In industry and state and local governments, NASAD would subsidize the training by paying one-half the going wage during the training period. Those not placed in this way would receive on-the-job training, and basic education where needed, in NASAD's own programs, some of which would be conducted with established educational institutions. Insofar as feasible, registrants would work half-time and study half-time. The training program would be tied in closely with the job inventory of the placement service.

3. *Public Employment.* Those people who could not be placed in jobs in industry or state or local governments, even after a suitable period of training and education, would be employed directly by NASAD, and

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organized into a variety of National Service Units. I don't think it's necessary to recite, for readers of *The New Republic*, the vast number of public needs that today are largely or wholly unsatisfied. The National Service Units would work on these, from city beautification to anti-water-pollution projects. Some could provide services of use to NASAD's own internal operations. For example, under professional supervision, some could help to staff day nurseries so that working mothers could stay on the job.

4. *Income Supplements and Guarantees.* All registrants with NASAD whose family incomes remained below a fixed minimum would receive public assistance allowances in amounts sufficient to bring them up to that minimum. The fixed standard would be equivalent to that now established by the Social Security Administration for the measurement of poverty, with differentials for size of family and location. For an urban family of four in 1969 it would amount to about $3500 a year. The recipients of public assistance would include (a) those needy who are unqualified for training or work because of physical or other handicaps and (b) those whose earnings are insufficient to bring their total family incomes up to the poverty level margin, including the part-time workers in NASAD's own education and training programs. The needy and disabled would of course be included in group (a).

Thus, no less than the widely advertised negative income tax plans, or the more modest welfare plan proposed last August by President Nixon, the program described here would guarantee a minimum income; but unlike them, it would not provide *automatic* allowances. The emphasis, instead, is on *rehabilitation and job opportunities. Permanent subsidies would go only to the aged and to those who were certified, because of some deficiency, as unable to work. Training, and/or guaranteed jobs, would be available for all others.*

More important, the National Service Administration, in company with the other two branches of my program to which we now come, would bring full employment without inflation.

What we're after is a method for aiming the national income at the desired noninflationary level, and keeping it there. We would then have full employment without inflation. Traditionally, in the New Economics, tax changes and sometimes public expenditure changes have been used to control the national income. But in practice these have proved to be excessively rigid, or inflexible, and as for monetary policies, they have proved to be too uncertain. In addition, the traditional fiscal policies for stabilization have been conducive to fiscal irresponsibility. So I propose a system of refundable taxes, or compulsory loans, that would be more flexible and foolproof. Briefly, the compulsory loans and their repayment would be invoked by Presidential order, within limits set by Congress, and would be operated in connection with a special stabilization trust fund, so that money paid into it would be sterilized. The loans would appear as positive, refundable taxes, and the repayments would appear as negative taxes, in our regular income tax returns. Each loan would be repaid with interest at the end of three years, unless earlier redemption were ordered by the President. Hence loans and repayments could be used to build up purchasing power, or reduce it, as required. The system could work with push-button speed, when necessary, and would not be nearly so disturbing to business and household planning as ordinary tax changes.

The third and last plank of my program aims at stamping out the dying embers of inflationary psychology. It would consist of a National Incomes Board which would have industrial and occupational divisions around the country. The board would serve primarily as a watchdog or ombudsman for consumers. It would investigate public complaints and also seek out inflationary practices inside as well as outside government. Its tools for correction would be conference, negotiation, and persuasion, backed where necessary by the pressure of nationwide publicity.

The National Incomes Board's function would not be critical. If the National Service Administration and the refundable tax system were doing their jobs, we would have full employment without inflation in any case. But the board could make the job easier by permitting business activity to rise to a higher level than would otherwise be possible, without provoking inflation. During the transition, particularly, it could in this way reduce the amount of *public* employment that might be needed, and in turn reduce the program's total cost.

The United States is now spending from $65-$70 billion annually on the various programs embraced under the term, welfare. In considering the cost of the program I have described, we must take account of important offsetting savings. Unemployment insurance, public assistance, and other forms of relief would no longer be needed in such large amounts. The present hodgepodge of disorganized training and other anti-poverty programs would be displaced almost entirely. The net cost of my program, after allowing for the offsets, would be in the neighborhood of $6 billion.

One way to raise the funds would be by raising taxes. There is, I think, a better way, even apart from ending the Vietnam War. About $4 billion annually is now included in the federal budget for space research and technology. Approximately the same amount goes for agricultural price supports. We have other sizeable appropriations for supersonic air transport, stockpiling of nonferrous metals, and $7 billion alone for military *research.* I cite just a few of the public appropriations on Senator Proxmire's list that in whole or in large part would never be missed. It may be idealistic but not fantastic to suggest that a program for stabilization, such as I have described, could be financed with no increase in taxes.

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The Man Who Beat the Army

by Brian Donovan

On a hazy October day more than a year ago, a young GI named Harris Tobias walked across a dusty assembly field at Fort Eustis, Virginia, and knocked, somewhat nervously, on the door of his company commander's office. Tucked under his fatigue shirt, Tobias was carrying a freshly typed conscientious objector application, which he'd been writing and revising for more than a month. He was expecting an unpleasant reception from his captain, who'd spent the month enthusiastically following the Presidential campaign of George C. Wallace. "There's a tide of permissiveness, defeatism and appeasement loose in this country," the captain had told one of his clerks. "We're going the same way as the Romans, no respect for authority. It may be time for some strong steps to put it in check."

Tobias saluted, handed over the application. The captain tossed it in his in-basket, returned the salute. For the moment, that was that, and Tobias spent the next few days in an elated state. "It was a terrific sensation," he told another soldier on their way to the motor pool. "Just handing those papers across the desk, I felt like a huge weight was lifting off my mind." At that point Tobias had no way of knowing he had triggered a chain of events that would lead to a court-martial, the stockade, two federal courts and drive him deeply into debt.

The increase in CO applications has been striking. The Army, which gets most of the requests, reports 993 discharge or noncombat duty applications during 1968, as compared to only five discharge requests in 1962. Pentagon officials say that when last year's overall totals are tallied they will almost certainly double those for 1968.

In theory, the past few years have been good ones for military COs. Five years ago the Supreme Court struck down the "Supreme Being clause," which had excluded from CO status almost everyone but followers of traditional pacifist sects. Since then lower courts have made several more favorable rulings. The Third Circuit in 1967 established the federal courts' power to review military decisions in CO cases and order discharges. In 1968 a California judge ruled that a military CO need not undergo a court-martial to exhaust administrative remedies before taking his case to court. And the Supreme Court will soon review a Boston judge's decision granting servicemen (and others) the right to object to specific wars on moral grounds.

But the military still rejects three out of four discharge applications. (Soldiers seeking noncombat duty have fared somewhat better lately, probably because officers tend to believe the sincerity of any applicant willing to risk reassignment as a combat medic.) Few low-ranking enlisted men, with pay far below the federal minimum, can afford civilian court costs. Military law officers will not advise men seeking CO recognition. In some suits that do get to court, servicemen charge that field commanders illegally neglect to send their applications up the chain of command. "The courts have given us a lot of help," says Dennis Ciesielski, of the Central Committee for Conscientious Objectors in Philadelphia. "But their influence just hasn't filtered down to the typical company commander."

The Army's handling of the Tobias case provides an illustration. A public relations writer from Flushing, NY, Tobias was a Specialist Four in the 203d Transportation Company, a Long Island reserve unit called to active duty in May, 1968. Part of the Johnson Administration's response to the Tet offensive, the call-up was announced on Tobias' wedding day. Originally his whole company was slated for Vietnam. But when the Army discovered it had never been issued the five-ton trucks its members were supposed to know how to drive, the reservists wound up at Fort Eustis instead.

Antiwar sentiment ran strong among the 203d's enlisted men. While spending a hot summer learning truck driving and waiting gloomily to be ordered to Vietnam as individual replacements, they began petitioning congressmen, the President and the Army's inspector general, claiming their call-up was illegal and their training inadequate.

Tobias' dissatisfaction went somewhat deeper. He was a popular soldier, a tall, curly-headed extrovert who charmed even some of the career sergeants brought in to badger the reluctant reservists. At 25, he had finished a hitch in the Peace Corps, where he worked for a year in a Guatemalan village. During morale-building sessions after the unit's arrival at the post, he would challenge lecturers on the necessity for war. So when Tobias began telling friends after a few months of active duty that he didn't think he could

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kill, they took his misgivings seriously and encouraged him to apply for a CO discharge. "In my opinion he is the last person I would want to see carrying a weapon," one fellow GI, Frank Casucci, wrote in support of the application.

Tobias handed in his application Oct. 16, 1968, with eight supporting letters. In it, he discussed his pacifist interpretation of Jewish teaching, described his family's strong influence on his views, and concluded, "I could no more follow an order that would contribute to the death of another human being than I could cease to be Harris Tobias." He was interviewed by a psychiatrist, a chaplain and a reviewing officer. The psychiatrist found him "obviously very much above average in intelligence . . . logical, coherent and spontaneous." The chaplain wrote that his "aversion to killing and his reverence for life are supported by thousands of years of Jewish tradition and hundreds of references in both Scriptures and commentary." The reviewing officer, Maj. Robert Crawford, submitted a long report, portraying Tobias as "a sincere, intelligent young soldier who exhibits a strong and positive feeling against killing and violence . . . torn between his moral convictions and his feeling of loyalty and love for his country." The major recommended that the Pentagon reclassify Tobias as a noncombatant.

These endorsements had little effect on Tobias' company commander, Capt. David Forcier. Just back from Vietnam with a Bronze Star, the captain made no effort to hide his irritation over his troops' petitions, which had disturbed the comfortable obscurity of Fort Eustis with reporters and congressional investigators. And Tobias' poor timing in filing his request – one day after the first 203d reservists got Vietnam orders – convinced the captain, he later said privately, that it was just another dodge to avoid combat. So without interviewing Tobias, Forcier turned the matter over to a company lieutenant, who ghost-wrote a disapproval recommendation.

Unhappy over this procedure, Tobias wrote a protest note and asked the captain to put it on record. At that, Forcier called Tobias into the orderly room for a short talk and added another comment to the growing file. The captain stated ("somewhat inconsistently," a federal court later noted) that Tobias' sincerity was beyond doubt, but that the application should be turned down anyway. That was enough for higher authorities in the 203d's chain of command, who routinely recommended disapproval, without interviewing Tobias, and sent the application off to the Pentagon.

In February, the Pentagon sent Tobias' Vietnam orders, and a few days later returned his CO application, disapproved; no reason given, although regulations require an explanation. But one cryptic Pentagon comment did offer a nugget of hope: the evidence did not justify a discharge for Tobias "but rather supports only a claim for classification as a noncombatant." Since Crawford had already recommended the same thing, Tobias wrote another, longer application request-noncombat duty. With it he turned in a new sheaf of supporting letters from relatives, hometown friends, clergymen and fellow GIs. This time, facing the prospect of refusing his Vietnam orders, Tobias invoked his right, supposedly guaranteed by regulations, to have a civilian lawyer present during his session with the reviewing officer. Fort Eustis turned the request down. The post adjutant explained that any delay in locating a lawyer would interfere with getting Tobias to Vietnam. On March 25, Tobias was sent to see Maj. Robert Oliver, a Vietnam veteran with combat infantry decorations. Tobias told the major that he'd like to argue his case but, fearing self-incrimination, could make no statements without a lawyer's advice. After reading the application, Oliver was impressed. He, too, urged that the soldier be made a noncombatant: "Specialist Tobias is an extremely mild-mannered individual but capable of standing behind his convictions. He appears to be completely honest and sincere in his beliefs." A post chaplain concurred.

But back at the orderly room, their favorable recommendations meant little. The new company commander, Capt. Charles McKeon urged disapproval. (By this time Forcier had been promoted; he was now one of McKeon's direct superiors.) McKeon charged that Tobias really objected only to the Vietnam war, although Tobias had been insisting to the contrary from the beginning. The captain described Tobias' views as a "merely personal moral code."

From then on, matters moved swiftly. Tobias' application was rushed through Fort Eustis channels, picking up disapproval recommendations at every step. The Army had spent four months processing his first application, when no Vietnam orders were pending, and handled his second one, when they were, in 31 days. The Pentagon CO board, which had said Tobias' first application supported a claim for noncombat status, changed its mind when the second one arrived. The request was flatly disapproved, no reason given.

At Fort Eustis, McKeon organized a detail of sergeants to escort Tobias everywhere he went. He told the GI that he would be hurried through combat orientation, sent to Fort Dix, NJ, then flown to Vietnam. Tobias, who'd had a perfect disciplinary record up to then, went AWOL. He drove to New York with his wife, borrowed some money and hired a lawyer, Joan Goldberg, from the firm that defended Benjamin Spock. While he was gone, his off-post apartment was searched without a warrant by an officer and a sergeant.

Eight days after he left, Tobias drove back to Fort Eustis, along with Mrs. Goldberg, bringing a set of habeus corpus briefs. He surrendered to McKeon, and Mrs. Goldberg filed suit in US District Court in Newport News. She argued that the Army had no legal reasons for rejecting the CO applications. While a de-

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cision was pending, the post rushed ahead with Tobias' Vietnam training. One rainy day the post set up a special combat infiltration course for him alone, and 30 officers and sergeants gathered to watch him crawl in the mud under barbed wire.

"Show us some spirit, Tobias," one sergeant shouted. "Let's hear you yell like a soldier." "Okay, sarge," Tobias bellowed. "Peace! Love! Love! Peace!"

The district judge, Richard Kellam, ruled against Tobias. In a brief decision, he said he didn't see how Tobias' religion could lead to pacifism, since most Jews are not COs.

Tobias was shipped to Fort Dix, where authorities refused to consider a third CO application, notwithstanding a new set of supporting affadavits. They also turned down a request by Mrs. Goldberg to delay his Vietnam shipment until the Fourth Circuit could rule on an appeal. At five o'clock one June evening shortly after his arrival, Tobias' new company commander, 1st Lt. Fred Callaghan, ordered him confined to a building and told him he would board a Vietnam-bound plane at four o'clock the next morning. The alternative, Callaghan said, was a general court-martial and five years' imprisonment.

A long night followed. After several hours Tobias persuaded his guards to let him call his wife. "I was never so scared in my life," he recalled. "By that time I had less than six months left in the Army. Measuring that against five years, what it could do to Ellie – well, it was tempting to just give up and get on the plane." Tobias' wife assured him that she could take whatever happened. So at four AM, he refused to get on the plane and wound up in the post stockade.

Occasionally the Army carries out its general court-martial threats in cases like Tobias'. But more often, according to lawyers who specialize in military cases, it prefers to deal with Vietnam resisters through a sort of psychological warfare, designed to promote submissiveness by creating hopelessness. The resisters generally get special courts-martial (a lower tribunal carrying only a six-month maximum sentence) and then get new Vietnam orders when they complete their punishment. If they still refuse, they are again court-martialed, several times if necessary. To the Army, the method has several advantages: fewer administrative headaches (general courts-martial require voluminous paperwork) and a greater chance that the resister, facing a seemingly endless string of stockade terms, will break down and choose Vietnam instead.

Callaghan and an Army prosecutor, 1st Lt. Elmer DeRitter, visited Tobias after a few weeks in the stockade. "You'll have to go eventually," said Lt. DeRitter. "Make it easy on yourself." Then they offered to drop all charges if he'd go to Vietnam. Tobias said no.

Fort Dix turned down a request to delay his trial until the appeal results were in. On June 31, he was escorted from his stockade barracks to a court-martial board. One of his witnesses, a rabbi from the Jewish Peace Fellowship, traced the precedents for Jewish pacifism back to the days of the Twelve Tribes. Both Callaghan and DeRitter stepped out of their prosecution roles to testify in Tobias' defense.

But orders are orders, and to nobody's surprise, Tobias was convicted. The relatively light sentence – a bust to private and a $300 fine – would have been a victory, except everyone on both sides knew it was planned as the first step in an open-ended series of more Vietnam orders followed by more courts-martial.

Then the Fourth Circuit, in an acerbic 14-page decision, wrote an unexpected happy conclusion to the story. The three-judge panel (including Clement Haynsworth), found that "the sincerity of [Tobias'] religious conviction is beyond all question." They described the Army's treatment of Tobias as "arbitrary and capricious." The judges were especially harsh on Forcier, who "decided against Tobias before he ever saw him." "We have searched the record in vain for any [reason for denial]," they said. "We think the Army's own directives demonstrate a policy of reasonable common-sense fairness to its soldiers – which policy has not been followed in this case."

The court's order granting Tobias CO status amounted to a ruling that his Vietnam orders, and thus his court-martial, were illegal. But when he was finally discharged in December upon the release of the last mobilized reserve units, Tobias was still a private, the conviction was still on his record, and none of his fine or lost pay had been returned. He is trying to reverse the conviction through the Army's cumbersome appeals channels.

Tobias feels that he began his struggles with the Army with several advantages over the typical teen-age draftee. A veteran of one six-month active duty training hitch before reserve call-up, he was older than the average enlisted man and somewhat wiser in the ways of the Army, less inclined to be awed by its power. Also, he was operating in a company full of antiwar reservists, where sympathetic clerks could slip him copies of regulations and help with paperwork. He was able to borrow enough money to pay for the $6000 court fight that saved him. "If I'd been a green kid, broke, just out of high school and basic training, I'd still be in jail." At this writing, the military's 138 brigs and stockades are overcrowded, with nearly 15,000 prisoners. Nobody knows how many of them are COs who couldn't afford skilled lawyers.

At Fort Eustis, news of Tobias' court victory left his former captain quite upset. McKeon strode out of his office with a dark frown and asked a clerk, "Where does that court get its authority, anyway?"

The clerk began a short civics lesson. "Well, sir, there are three branches of government. . . ."

The captain turned and walked away.

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Stanley Kauffmann on films

A Married Couple
(Aquarius)

M*A*S*H
(20th Century-Fox)

Recently I heard a remark made by the late Sidney Meyers, a gifted filmmaker: "Artists were too happy, so God invented film." God got his wish. Now look at the troubles, not only for artists but for audiences. With every advance or benefit, there is at least one new problem. Look, for instance, at the nonfiction film. What a blessing it seems to be. What troublesome questions it raises.

There are two principal kinds of nonfiction film: first, the kind in which the subjects are busily concentrating on something else – fighting a battle or running a steel mill or pole-vaulting or where they are unaware of being photographed because the shots are "stolen"; second, the kind in which the subjects are well aware of the camera's presence, in varying degrees of consciousness – the kind now called *cinéma-vérité* or direct cinema or actuality drama.

Allan King, the Canadian who directed the unforgettable *Warrendale* about emotionally disturbed children (*NR*, Sept. 21, 1968), makes this latter kind. Here are the first two paragraphs of the publicity release on his latest picture:

> *A Married Couple* was filmed on location: the major part of it in the Toronto home of its stars, 42-year-old Canadian advertising man, Billy Edwards and his American wife, Antoinette, 30, their three-year-old son, Bogart, and a dog named Merton.
>
> Cameraman Richard Leiterman and soundman Christian Wangler spent ten weeks in the Edwards' house, often from six o'clock in the morning until long after midnight, rarely talking to them, never eating with them nor becoming part of the family, but always observing, filming and recording their daily life. The interior of the house had been entirely lit before shooting began, so the only other members of the film crew were director Allan King and an assistant cameraman.

Immediately interesting. But, almost as immediately, a problem. Usual critical values (whatever one's may be) for fiction films or for "non-conscious" documentaries are secondary with *A Married Couple*. Primary are questions of psychology, society, image, and reality. The key word in the paragraphs quoted above is "stars". Much has already been written about changes in the concepts of privacy that *cinéma-vérité* brings about. But now it's becoming clear that *cinéma-vérité* is, to some degree, only recognizing changes that have already taken place. Several months ago I saw a TV interview with a sweepstakes winner, a lady who had spent her life tending her corner grocery for thirty years, with no hint of publicity or spotlight. Then her ticket won and the TV crew arrived and the reporter asked, "Mrs. Brown, how did it feel to win the sweepstakes?" She smiled and began in best celebrity-at-ease style, "Well, Ted . . ."

Well, Ted . . .! Like Sammy Davis, Jr. being Serious on the Johnny Carson Show. Mrs. Brown, citizen of a world soaked in film-TV consciousness, a world in which images of self are more a part of self than ever before in history, was instantly ready, even after thirty years in the shadows. How can the cameras of King and others *intrude* on the lives of people who are now waiting, not for Godot but for Godard?

I met Allan King in New York while he was making this film. He spoke of it only briefly, saying that it was about a couple who might or might not break up, he didn't know. I didn't ask – but couldn't help wondering – which he was hoping for; which the couple were hoping for; what effect the camera would have on their decision, how they would decide to *play* it. And yet, of course, play it for real.

The meat of this film is daily life: the baby, the car, the job, the cycles of small-quarrel-and-reconciliation, the larger differences that are left unsolved on screen. Seventy hours of film were edited down to ninety-seven minutes, but even so there are longueurs. Unlike the subject of *Warrendale*, most of married life is not dramatic. If King had cut only to the most dramatic moments, he would have falsified his rendition of a marriage. Some tedium is of the essence of his method, and it helps the sense of eavesdropping.

But that sense is by no means consistent throughout. Part of the time I forgot I was watching people who knew there was a camera present; the reality became the same as in a credible fiction film. But part of the time I was aware that they were camera-conscious, either because they glanced at it or because their actions and language took on a touch of bravado, as when the language became salty in an almost studied way. (This also happened in *Salesman*, by the Maysles brothers.)

There are moments in filmgoing when what I am chiefly curious about is the process of filming. With most skinflicks, I would much rather spend five minutes in the studio watching the amatory couple get ready for a take, with electricians and grips and cameramen bustling about, than see the final take in Cinemascope. There were similar moments in this film – for instance, a sequence in which the couple are in bed together at night and he teases her into having sex with him. The teasing begins to work. End of sequence. I wanted to know what had happened *there*, before and after. How did they get to feel free enough to do this at all? I wanted to see the crew and King, as much as the couple. What happened when she began to yield? Did they wait for King and the crew to depart? Or not?

Much of the time there seems to be a three-fold level of consciousness in the Edwards couple: awareness of the camera, sporadic forgetting of its presence, and then an *adjusted* awareness – the stages one goes through with, say, the hum of an air-conditioner. This three-fold awareness is particularly striking in such a sequence as the one where they talk about their desire to be famous – this obscure couple sitting in their modest Toronto house, wishing they could be famous, at the very moment they are starring in a Technicolor movie. But some of the best sequences seem to me to be single-fold, when camera-consciousness at any level is imperceptible. (This, too, was true of *Salesman*.) There is a quiet scene in which their big old dog is lying on their bed. Edwards stands next to the bed for a moment, looking at

(Continued on page 30)

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Peter Gay: Before the Pendulum

The Younger Pitt: The Years of Acclaim by John Ehrman

(Dutton; $14.95)

William Pitt was a supremely public person. Like a character in some story by Henry James, he came to life, acquired characteristics, even meaning, only on governmental business. John Ehrman has constructed this vast volume – the first of a vaster biography – around that quality: "Of all the great British Prime Ministers," he writes, the younger Pitt "lived most exclusively for public affairs. It is not only that his policies and actions must be seen in the conditions of his day, so far as we can reconstruct them; it is also that his mind and personality emerge most clearly from his public acts. His interest was so much concentrated on politics and government, his private life was so restricted and simple, that he is revealed most convincingly and fully in his work." That work, of course, was important and fascinating: Mr. Ehrman quotes a remark by the aged G. M. Trevelyan to the effect that he thought the younger Pitt the greatest of British Prime Ministers. Following out the implications of this remark, Mr. Ehrman has written a biography of a politician and a statesman.

Needless to say, the younger Pitt had an inner life, like anyone else. Its very invisibility hints at an unconscious or half-conscious decision. We know that he was much burdened with his father, the great Chatham, who had piloted England through the Seven Years War, and who suffered from spells of manic depression. William, his second son, did not, consciously at least, see his heritage as a burden. He loved his father, and imitated him in everything – in his tastes, his oratory, his thirst for public acclaim: "If I should smoke," the affectionate, perceptive father once said of his brilliant and precocious son, "William would instantly call for a pipe." It would be interesting to speculate further: to seek connections between the younger statesman and the old that lie deeper than the ordinary ambivalence of a gifted son for a famous father; to seek explanations for the life of a man who took power early and died early, burned out, at forty-six. But Mr. Ehrman does not speculate; he pursues Pitt through the corridors of public power and, a few words on his indifference to women apart, leaves unopened doors that might lead to dark attics.

I can only call his pursuit relentless: taking Pitt down to 1789, when he was thirty, Ehrman consumes exactly 666 pages of text – and big, closely printed pages at that. Granted that Pitt's was a large life, and that he presided over world-shaking affairs, this is copiousness indeed, and it will doubtless discourage those mythical creatures, the general readers, who would be content with leaner fare. For the historian, on the other hand, this copiousness, however questionable at points – do we really need to know quite so much about the topography of the House of Commons? – has distinct advantages. The outline of Pitt's career, and the general dimensions of English history in the late eighteenth-century are, of course, well known. The main problems were the need for administrative reform, domestic unrest, problems with Ireland and India, the trauma and aftermath of the American Revolution, the stirring and outbreak of the French Revolution, and the constitutional crisis produced by the madness of King George III. Entering the House of Commons in January 1781, when he was twenty-one, Pitt in one way or another participated in the solution – or exacerbation – of all these problems; by July 1782, a mere stripling of twenty-three, he was Chancellor of the Exchequer under Shelburne; by December 1783, the *Wunderkind* was Prime Minister, and would remain Prime Minister for seventeen years. All of this, as I have said, and the outlines of what he did, with whom he battled, how he succeeded and failed, is the common stuff of history books. What Mr. Ehrman has added is the detail; and in the course of it he has clarified much that once was vague, settled with care and authority much that had long been controversial.

But in a very important way, while the present volume, in itself and for its own sake, is a major contribution to the history of late-eighteenth-century England, its ultimate success must depend on the volume that is to come. For Pitt's career was a curiously bifurcated one. In the years described here, Pitt was a reformer. While still a private member, in 1782 and in 1783, he had spoken in behalf of an inquiry into the electoral system, and of depriving the rotten boroughs of their franchise. Once in office, in 1785, he repeated his assault on the "unreformed" system by proposing

Blind Mexican

the lids
of his eyes

fold in
like the meat

of a date
exposing its pit

Banderillero

He puts them in
gingerly

like a maid

placing
strawberries

in whipped cream.

AMEEN ALWAN

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legislation. And he was in earnest: in 1785 he insisted that he would "put forth his whole power and credit, *as a man* and *as a minister, honestly* and *boldly* to carry a plan of reform." He failed, but by his actions he put himself into the camp of the reforming elements in English society seeking to broaden, to equalize, if not to democratize, the franchise. Yet this same statesman, who in the 1780s, as a man and as a minister alike, so prominently, and indelibly, identified himself with reform and reformers, prosecuted and persecuted the radicals of the 1790s with single-minded ferocity. There were reasons, of course, good reasons, for this change of front. Times themselves had changed: "From 1793, Britain was at war," R. K. Webb writes in his recent authoritative *Modern England, From the 18th Century to the Present*, "by 1794, the country was threatened with invasion: events forced Pitt to view the issue starkly as one of national survival under the challenge of an enemy who broke all the rules. . . . It is against the urgencies of an unsuccessful war, threatened invasion, administrative reconstruction, and the priorities they imply that we must see the steps taken by the government against the radicals."

Fair enough, and doubtless true enough. But in face of his declarations of the 1780s – which the radicals of the 1790s did not fail to quote against him – Pitt's apparent willingness to stamp out the radicals by all means, fair or foul, and his explicit willingness to defend the savagery of hanging judges, does raise problems, if not of morals, at least of psychology. In his well-known recent study of radical politics from the 1790s to the 1830s, *The Making of the English Working Class*, E. P. Thompson has suggested that Pitt shifted drastically between 1792 and 1793 because in that period three factors entered the scene: "First, the rapid radicalization of the French Revolution after the September massacres. Second, the direct threat to British interests and to the diplomatic balance in Europe presented by the expansionist fervor of the new Republic. Third, dangerous signs of confluence between the revolutionary exhilaration in France and the growing Jacobin movement at home." It is at least possible, then – at least a prominent historian has now argued it – that the national interest that induced Pitt to change from reform to repression contained a good piece of self-interest, which is to say, class interest. By giving us the reforming Pitt in so much convincing detail, Mr. Ehrman has set the stage for the repressive Pitt. We can only look forward to see how he solves the problem he himself has done so much to clarify.

John H. Baron: Updating the Three Bs

Harvard Dictionary of Music by Willi Apel

Second Edition, Revised and Enlarged
(Harvard University Press; $20.00)

When the first edition of Professor Willi Apel's *Harvard Dictionary of Music* appeared a quarter of a century ago, American musicology was in its infancy. Materials for proper research into the history and anthropology of music were then either nonexistent or difficult to come by. Nonetheless, HDM was at once the most informative and authoritative one-volume encyclopedia-dictionary of musical terms and titles in English. It has continued to be so, a remarkable achievement. Only a handful of general books on music in our language in use twenty-five years ago are of any but antiquarian interest today. The most significant older works of a similar genre – Grove's *Dictionary of Music and Musicians* and Baker's *Biographical Dictionary of Musicians* – survive because both went through new, revised editions in the 1950s with addenda in the 1960s.

Now Professor Apel, retired Professor of Music at Indiana University and author of many vital specialized studies in music, has revised and enlarged his *Harvard Dictionary* with the aid of 88 contributors (18 of whom also helped with the first edition). The improvements over the earlier version are considerable. The new HDM should be basic reference material for the rest of this century.

The changes in the new book are interesting in themselves, but more significantly they reflect the growth of musical and musicological sophistication during two and a half decades. First of all, the book's literary style now displays a concern for the general reader – a great improvement. Then, too, the entries and cross references have been selected more systematically and objectively then a generation ago. For example, in 1944 Apel blatantly followed only his personal taste in entering titles of some compositions by Schumann, Verdi and Beethoven but not any by Mahler, Richard Strauss, Schönberg and Berg. In 1969, however, he is much more complete in his choices, as well as deft at covering his biases. HDM now lists most historically important or standard repertory titles by composers before 1945 whether loved or not (a few lacunae still exist; e.g., most Strauss operas are included but not "Die aegyptische Helena" or "Intermezzo," both of which are still in the repertories of European houses, and one would think that Jacopo Peri's "Dafne" as the first opera ever written would merit an entry). The inclusion, on the other hand, of obscure pieces by the fast fading Hindemith (e.g., "Apparebit repentina dies") and of recent works by others which have yet to be proven significant (e.g., Barber's "Anthony and Cleopatra" and Ginestra's "Don Rodrigo") reveals a subtle prejudice, since at the same time Dr. Apel omits "Gesang der Junglinge," the classic of electronic music by Stockhausen, and any titles by Charles Ives. On the large scale, nevertheless, the obvious cases of cronyism are minimal.

The increased size and number of articles on the music of non-Western-European countries is possible thanks to the growth since World War II of ethnomusicology, which concerns itself

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primarily with music traditionally snubbed by most European-oriented music lovers and scholars. For example, now all Latin American nations have separate, sizable entries as opposed to only seven before, and the article "Africa" has expanded from three lines to more than fourteen columns. With the temporary demise of European art music during and after the war, a growing group of Americans turned to music of other cultures, with the result that a new discipline – the anthropology of music – was established here. Now more and more enlightened schools (led by UCLA) offer undergraduate and graduate degrees or at least courses in the musical cultures of nearly every people on Earth. The craze among our children for Indian and African musical derivatives reflects the same trend in a more popular sphere. The realization of the relevancy of music by anthropologists and sociologists and even by some political historians has spurred the study of ethnomusicology. The best example of this is Morison's *Oxford History of the American People*, the first standard history, to my knowledge, with musical examples to characterize political epochs.

Not least of the formerly neglected cultures is our own present-day one. Apel always recognized American music based on European models and some of our indigenous music, such as that of the American Indian and Negro, which receive expanded coverage in the new HDM, but he still shows little concern for much of our contemporary scene. "Jazz" and "Bop" get useful attention, and such oldies as "Shimmy," "Fox Trot," and "Charleston" appear, but dances and musical pieces relevant to persons under 40 do not rate inclusion: no "Twist," "County-Western Music," "Rock 'n Roll," "Soul Music," "Modern Folk Music," etc. Their absence would not be upsetting if often obscure popular music of other countries and the old-fashioned American dances were not present.

I am puzzled at the retention of some dated articles from the first edition. Most disturbing of these is "Profession of Music" by Everett B. Helm, who equates monetary earning power with professionalism. Surely he means *vocation* in music, but even then he is out of date. In 25 years the musical professions and preparations needed to enter them have undergone considerable change. Some new ones have emerged, e.g., ethnomusicology, musical

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therapy, computer programming in music, electronic musical engineering, and acoustical engineering. The financial situation of persons who take up music as a profession is, lamentably, as bad now as 25 years ago (composers still drive cabs and sell hats), but otherwise the character of musical professionalism is much altered. The profession of musicology (research into the history and aesthetics of music) has changed musical life in America and deserves special attention within "Profession of Music" in a book that is an outgrowth of this very field. At least a cross reference to "Musicology" would let us know it *is* a profession.

Such slips are easily offset by the invaluable presence of accurate information in thousands of articles. Just picking a few, I notice for the first time in print a correct discussion of "Pavane" (by L. H. Moe), a good resume of the controversy over the word "Fauxbourdon," informative though brief discussions of electronic and computer music, useful lists of music libraries and editions of music, and much more. The intrinsic value of the new HDM is incalculable.

Martin Tucker: Tragedy of a Been-to

Fragments by Ayi Kwei Armah

(Houghton Mifflin; $5.95)

In his first novel, *The Beautyful Ones Are Not Yet Born*, Ayi Kwei Armah did not give his hero a name. He was simply The Man, a worker who wanted no more than his proper share in the common wealth of his country. Around The Man festered bribery, cowardice, and the running sores of a demoralized people. The country in which The Man lived was never identified but it was clearly Ghana, and Armah's tonal prose was an expression of bitter love to his country.

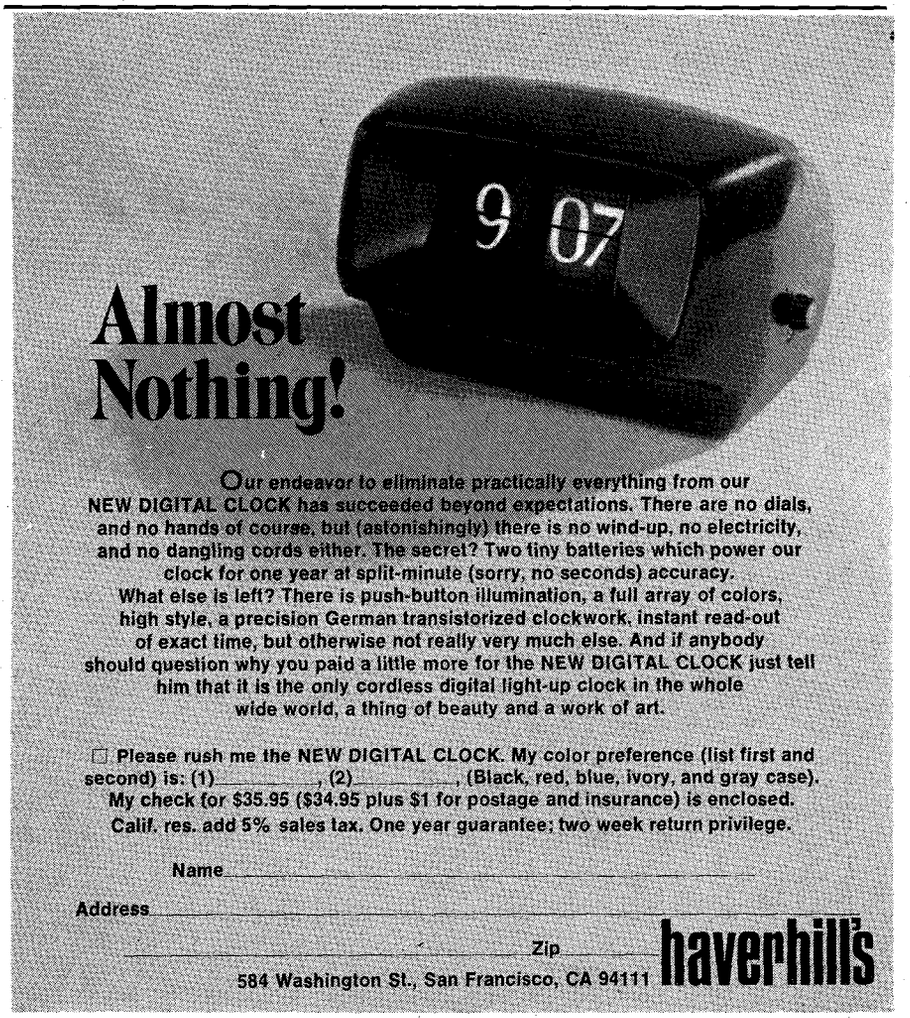
In his second novel the hero has a name, Baako Onipa, and the country to which he returns is immediately identified as Ghana. That is about the only important difference in the direction and shape of the two novels, for *Fragments*, like Armah's first novel, is an expression of frustration and despairing hope. The last lines of *Fragments* are spoken by the old grandmother of the hero Baako:

> Death. . . . Take me. I am ready. You are the end. The beginning. You who have no end. I am coming.

She has lived a long time, seen the values of her society crumble in the rush of a new moneyed class of businessmen and government officials. She has been the only witness to the destruction of her grandson by the new order of values; the other members of the family all have been participants in the destruction. The grandmother hopes for the end to come – the final bestial crouch to devour everyone – for only from the end will come the beginning. The grandmother has faith that her faith is whispering to her the sustenance of truth.

The grandmother's hope is a muted one seeing despair as a precondition to a new harmony. It is a more passive view than the one in Armah's first novel. In that book the corrupt, rich, fat politician saw his power base snatched from under him. He chose to run rather than fall, and in his bid for escape he turned to The Man for help. Until this time The Man had been despised and tolerated as a simple, naive rube unable to take advantage of the opportunities that corruption opened up to any seriously ambitious man. Now the bully-turned-victim (the police are searching for this deposed politician) turns to the supposedly powerless Man. There is a way out through the hole in The Man's outhouse. The politician is almost too fat to pass through the eye of the dung-heap, while The Man, lean and humble, has no trouble. Finally the fat politician, filled with the stench of corruption, gets through the dung-heap. It is a symbolic dive, matching his manured life.

In this first novel something strong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and vital emanated from the journey of The Man. At the end of the novel, seeing a bus with this sign on it: "The Beautyful Ones Are Not Yet Born," The Man knew that the beautiful ones would come; having a conception of them meant they had to come. The grandmother's faith in *Fragments* is not so convincing. The book begins and ends with her; she is the preamble and the coda, and she is a completely passive character. Watching the downfall of the hero, her grandson Baako, she does not offer an alternative.

In a similar way the hero of *Fragments* is a passive man. He is a "been-to," an African who has been abroad. He is returning from America, where he has studied, and where he decided to become a writer. He also has had a nervous breakdown in the States, and needs a special drug to counter any attack. Baako is a symbolic African figure, the educated young man torn between the values of the old and new. But the distinction that Armah brilliantly shows is that even the new values have turned. In early African novels of colonialist Africa when the educated here returned to his country he was adrift. He belonged neither to his tribesmen nor to the British who acknowledged his education but never accepted him socially and personally. Such heroes, in African novels, usually ended in despair and often self-inflicted violence. Now the "been-to" returns to his own country but finds the corrupt bureaucracy has changed from a white British to a black Ghanaian skin.

One of the most significant agents in Baako's destruction is his mother. Her dreams of Baako's providing a car and a showy home for her are turned into the drab realism of his moving into her small house and taking the bus every morning to work like any African commuter. Finally and tragically she fails to understand Baako's dream of writing; when she discovers his journal and concludes that he is writing to himself, she rationalizes that he is mad, for only a sick man writes and speaks to himself. She has her family forcibly take Baako to a mental asylum.

So Baako's journey is the motif of the novel, as the journey of The Man through corruption and the dung heap was the motif of the first novel. Baako's downfall from expected hero to mental waif on a cement floor takes a year, and during that time he is in such a poor state that he cannot participate in the affairs of his country. His retreat to private insularity is in effect his rejection of a Ghana gone mad on power and extortion and the fringe benefits of politics.

The novel, while a powerful moral indictment of the present state of his country makes its force felt through symbolism, not direct propagandistic means. This use of symbology is both Armah's weakness and virtue. The killing of a dog, the capture of gulls, the unfinished house in the hills – all these take on added layers of sense, as in a tone poem or painting – and sometimes the result is a wonderfully sensuous appreciation of the dissociation of life, the inward nature of each individual, the ultimate unknowingness of things. Yet the technique is so richly used that it becomes a drug. The pictorials, the moments are resonant phrases tossing suggestively in a dream.

I think the novel fails of its promise – for the first novel promised more than fragments. It still succeeds as a tone poem of powerful allegorical force.

NOTES ON CONTRIBUTORS

JOHN H. BARON *is assistant professor of music at Newcomb College.* MARTIN TUCKER *is a professor of English at Long Island University and author of* Africa in Modern Literature. PETER GAY *is professor of comparative European intellectual history at Yale.* AMEEN ALWAN *is currently doing a book of translations of the Colombian poet, Carlos Castro Saavedra.*

David Sanford: How Green Was My Psyche?

The Luscher Color Test
Translated and Edited by Ian Scott

(Random House; $6.95)

Unlike most psychological tests there is less abuse potential than simple nonsense in the Lüscher Color Test, a new book purporting to reveal the psychological significance of color preferences, shamelessly published by Random House from the work of Dr. Max Lüscher, the Swiss psychologist and color consultant to Parke Davis (the pharmaceutical house), to packagers, advertisers and others whose own color preferences run to shades of green. It was Dr. Lüscher who helped Volkswagen choose the colors for its factories in West Germany. Presumably he helped increase production and make profits rosy. Ian Scott plays A. A. Brill to Lüscher's Freud, turning his German into saleable English and pop psychology. Scott's a man of various work whose relevant clinical credentials are described as "a deep interest in the psychological factors which often underlie ill health."

The test, which is in alleged wide use by *European* psychologists, grew out of certain notions Lüscher has about the significance of colors. Green, for example, represents "elastic tension," red connotes desire and therefore represents all forms of appetite and craving. Black says "no" to life. Once he had established the *meaning* of colors it was simple for Lüscher to devise a test in which the subject, by arranging eight color chips in the order of his liking, reveals his personality. The color cards that come with the test are numbered and every conceivable combination of colors has an interpretation in the tables that bulk up the book. The tables are as explicit and applicable to life situations as a Jeane Dixon horoscope.

I have administered Lüscher's little test to four or five friends, each of whom thought the resultant personality descriptions just right. It should be admitted however that the results are elastic, stretching to fit all sizes of psyche. One of my subjects played his cards in the order blue, green, yellow, brown, grey, black, lavender, and red. The arrangement yielded a number sequence which showed him to need a peaceful environment, wanting release from stress and freedom from conflicts or disagreement. He takes

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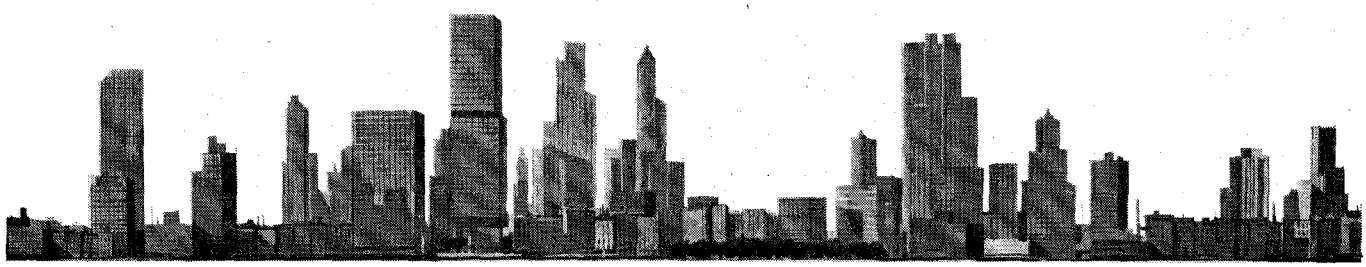

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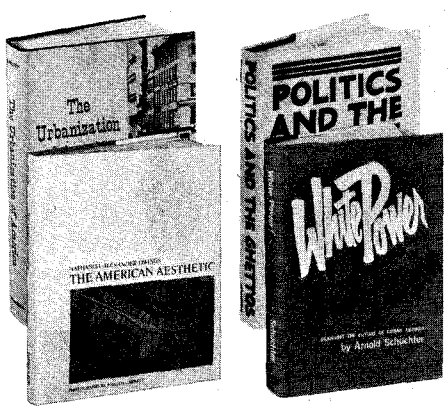

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pains to control situations and problems by proceeding cautiously. He has "sensitivity of feeling" and "a fine eye for detail." My friend thought all this accurate and agreeable enough to believe that there might be something to the test. I also gave the test to Salvador Dali (not personally), whose penchant for blue and yellow reveals a need for affection and good fellowship, a readiness to be of help to others in exchange for warmth and understanding. That described Dali perfectly, not to mention everyone else on the planet, and precisely this generality of application is the key to Dr. Lüscher's success, not to mention phrenology and fortune cookies.

The Lüscher test might have been great fun had there been anything amusing about the interpretations of color responses, but aside from brown, which has something to do with ability to enjoy sex, the answers are a bore. The publisher in its promotion of the book takes it all very seriously: "The Lüscher Color Test, despite the ease and speed with which it can be administered, is a 'deep' psychological test, developed for the use of psychiatrists, psychologists, physicians, and those who are professionally involved with the conscious and unconscious characteristics and motivations of others. It is NOT a parlor game and most emphatically it is not a weapon to be used in a general contest of one-upmanship." Now it would be interesting to know who the psychologist was who consulted with Random House in the wording of that statement, which rings true only when completely turned around. The book is not a text but a trade book, selling very well at bookstores everywhere, for frivolous if any use at all. I suppose Random House would say it is not a gyp.

Correspondence

Poison Gas

Sirs:

The US Army is planning to move its supply of nerve and mustard gases from the island of Okinawa sometime soon. Their destination, unless we Oregonians can prevent it, is the Umatilla Army Depot near Hermiston, Oregon. The first shipment was scheduled to arrive around the first of January. It has been delayed until February 1, but Secretary Laird has confirmed that the Pentagon's plans have not changed.

Governor McCall, all of Oregon's congressmen and the editorial page of the *Oregonian* (the state's largest newspaper) are opposed to the gas shipment and urge that the gas be detoxified immediately. The governor's office has received over 23,000 signatures supporting his position. He has received about 2,000 names of persons willing to accept nerve gas storage. We are convinced that the majority of the people of Oregon do not want their state to become a major storage area for nerve gases.

We hope that Oregon can be as successful in its battle as Colorado and New Jersey were. It is a dangerous situation if the Army can simply ignore the protests of all our elected officals and unnecessarily endanger the citizens it is supposed to protect.

Robert P. Kindley
Portland, Oregon

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Population Explosion

Sirs:

Congratulations to *The New Republic* for printing Wayne Davis' excellent article on population explosion (Jan. 10). Dr. Davis and I have discussed the points he makes and we are in agreement that this country is not isolated from the "explosion"; its most serious manifestation here is pollution; pollution must be attacked by controlling population and learning how to live with a stable economy.

I'm afraid we shall have to agree to disagree on the method by which population control is to be achieved. Dr. Davis believes in a system of economic rewards and sanctions. In this he is not alone. He is joined, for example, by Dr. Paul Ehrlich (*The Population Bomb*). I wish to point out that such a system is grossly unfair, undemocratic and, what is worse, just might trigger civil war in our already racially polarized society. Why should the wealthy be allowed to breed like rabbits? Why should the poor be denied *de facto*, the

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opportunity to enjoy a family? Worse, why should children in three and four-sibling families be penalized for being born into them? What wrong have they committed?

Faced with proposals for economic sanctions, it is no wonder that blacks I talked with have identified population control with genocide, have preached and rebelled against the thought of it. And yet as Dr. Davis points out, it is the poor who are currently hurt most by the "affluent destroyers." If only we can put forward a program of equitable population control, the poor should become our greatest allies in obtaining its implementation. If, on the other hand, we insist on population control by economic sanction (which, I am sorry to admit, is a workable method), the poor – faced with the ultimate discrimination – will have every cause to come creeping into our suburban homes while we sleep and castrate us.

The reason they would have justice as their knife-edge is simple; there *is* a fair way to do the job. Given our modern technology of birth control, we can make population control nondiscriminatory. All we need do is insist by law that every woman will have the right only to replace herself and her husband—regardless of race, creed or socio-economic status. At first, of course, this will cause a small decline in the population (Dr. Davis rightly points out that this will be a long time coming). But when we want to stabilize our population, we can distribute the extra births (required because of sterility, accidental deaths, etc.) at random, with a similarly nondiscriminatory procedure.

Restrictive, you say? A loss of liberty? Granted. But we don't seem to mind the equally personal and far less important law against bigamy. Besides, we shall lose far more liberties if we allow our population to reach much higher levels. As Dr. Davis points out, we shall lose the liberty to live as 25 Indian equivalents. We shall lose the liberty to eat inefficiently produced foods like meat. Travel will be curtailed in an attempt to conserve air and energy. And of course we shall not be able to tolerate the competitive presence of any "nonessential" plants and animals, so nature is also doomed. (In point of fact, nature is already moribund.)

But the worst loss of liberty will be the loss of freedom to raise our children in health and comfort, reasonably free of the fear of death. The ecological nature of our Earth and our Universe is closed; i.e. there is some limit to everything. And the way that every population reaches its limit is for births to balance deaths. So eventually we shall all raise two children – either in peace and material comfort because we choose to limit our birth rate, *or* in despair and despoliation; in emaciation, filth and disease; in the unhappiness of a marginal existence because we allow our death rate to rise up and topple us from our "moment in the sun."

Michael J. Rosenzweig
State University of New York
Albany

Sirs:

Wayne Davis talks about "the Keynesian concept of a continued growth in population and productivity." He obviously has a private version of Keynes and Keynesianism recognizable to no one who has studied the subject.

A figure of 2.2 acres per capita is cited as a minimum for "a decent diet," but no mention of any further improvement in agricultural and food technology is made. To make any long-range projections which hold technology constant is, in this age, a most risky procedure. Technological progress (at least for the Western world) undid the work of that brilliant economist, Thomas Malthus, and it might well do the same for Mr. Davis.

Can he show any negative correlation between population density and living standards? If the US is so close to the precipice, then much more densely populated countries like the Netherlands and Japan should have already gone over it. Yet this is obviously not the case. Why?

Mr. Davis feels that we can do little about our environment if we do not stop our population growth. I submit that this is just not the case. Exhaust pollution could probably be reduced to a fraction of the present level even with an increase in the number of cars. The steam engine, fuel cell power, electrically powered autos or even just cleaner burning internal combustion engines with fully adequate emission controls are all possible solutions. What is needed is the expenditure of effort to perfect the technology plus a willingness to pay

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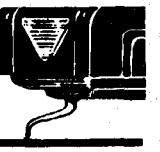

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the increased costs of implementing it. Mr. Davis is concerned about insecticides. So am I. But rather than exhort us all to nonreproduction, it would seem far more practical to push for the development of biologically degradable agents and then require their use even if the cost to the user and ultimately the consumer is higher. As for pollution from fossil fuel generating plants, nuclear power and not population control seems like a far more practical answer.

If Mr. Davis is going to convince a nation with an agricultural surplus and a steadily rising living standard that disaster is just a generation away if they don't stop breeding, he is going to have to make a much more coherent and convincing case than he has so far done.

John M. Levy
Dobbs Ferry, N. Y.

Experimenters

Sirs:

As Reed Whittemore says ("A Prejudiced View of the Social Sciences," *NR* Dec. 20), "an abstraction *can* walk down Main Street." So can scapegoaters and scapegoats. So can those who attribute a mystically powerful impetus to the objectifying and conceptualizing operations of the social, natural and physical sciences. The mealy-mouthed and pretentious fragments of committee prose which Mr. Whittemore dangles at us are bad enough, but must we be told that the dehumanization of creativity and criticism in the humanities, and the depersonalization in our society which is so evident to anyone who has a basis for comparison, are the results of the perpetration of a "revolution" by "the experimenters"?

Kenneth I. Rothman
Department of Sociology
The University of Chicago

Announcement

To speed delivery of the magazine to subscribers in 14 Western states, *The New Republic* will inaugurate a Western edition with the issue of February 7. The initial press run of 60,000 will be printed by Los Angeles Litho, Redondo Beach, California.

Kauffmann, *from page 20*

him, then throws himself down face-to-face with the dog and simply stares at him. A bit of silence; then cut.

Here, as in *Warrendale*, King's direction consisted only of his choice of material, his personal reticence, and his editing – which leaves out a great deal that is usually subsumed under direction. It is on the first count that he showed his most acute cinematic instinct – not so much by his faith in the interest of the Edwards' lives as, quite specifically, the interest of their faces. At first view, neither of those faces is particularly appealing, and I felt, "Do we have to watch *them* for an hour and a half?' Through the course of the film, her face became witty, lovely, quite homely, silly, and sad, a much greater range than it promised. His rather unassembled face, made up of features that don't seem really to go together, took on an organic entity; the camera assembled it *for* him, over a period of time. This is by no means automatically true of most faces, which often seem to recede under prolonged scrutiny. King's faith in the way these two faces would bloom, cinematically, is his subtlest achievement here.

Is it a good film? For me, the only answer is that some of it satisfied my instinct for snooping, some of it dragged, some of it seemed tacitly conspiratorial between the Edwards couple and the camera. But in the circumstances it is surely pertinent to ask whether it was a good film for this couple. They overcame their marital difficulties – pro tem, anyway – and now have a second child. They are said to be lonely without the presence of the camera and the lights (which were strong enough for color photography). If so, they are only being honest about what is implicit in our society. Nowadays we're all on camera, Ted.

We've had black humor, and will continue to have it; but now we also get red humor. Laughs – and I mean side-splitting laughs – in the middle of spurting blood. *M*A*S*H* is the Army abbreviation for Mobile Army Surgical Hospital. (The inserted asterisks are Filmland's own Hyman Kaplan touch.) This comedy takes place in a military hospital three miles behind the lines of the war. Which war? You remember – the one we dropped in there be-

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tween World War II and Vietnam – what was it again? Korea. Right. Some 33,000 American battle deaths, but it sort of slides past.

The script was written by Ring Lardner, Jr. from a novel by Richard Hooker, reportedly a pseudonym for a well-known surgeon. The tenor is familiar service comedy about grifters having a good time amidst the gore, except that these surgeons and orderlies and nurses are *really* amidst the gore, which we constantly see, and are joking and making dates while they remove shrapnel from hearts or saw blithely away on useless legs. And why is it funny? Because they are sane and are remaining sane; they are not laughing to keep back the tears. First, they are surgeons (and we all remember what Freud says about *them*); second, they are professionals; third, they are powerless to alter their world; fourth, even if they can't alter it, they still believe in the life on which their world is spitting, and they spit right back by saving life, if they can, light-heartedly.

Some of the gags are soggy and protracted and stale – sort of *Catch-2,222*. The first few minutes almost drove me out of the theater. A later football game between two medical units is TV comedy at its hokiest (except for the language). But much of the rest, even the usual sex jokes with nurses, is unusually funny. The language is rough and true, the humor is quick, the acting is good revue-sketch ping-pong, and the editing is generally ahead of us by the requisite shade of a second.

Elliott Gould, of *Bob & Carol & Ted & Alice*, is a heart surgeon here – possibly the most amusing heart surgeon ever. Donald Sutherland, who was an English lord in the abominable *Joanna*, is a likable, shuffling, ugly fellow-doc. Roger Bowen is winningly impotent as the CO. A girl named Jo Ann Pflug plays Lieutenant Dish, and rightly so. Robert Altman, who has directed a lot of television and a few films that I have not seen, has handled most of the action with fine impertinence and brisk pacing.

It could be Vietnam as well as Korea, and of course it really is Vietnam as well. If there are parents and sisters and wives who object to jokes about the atmosphere in which their men are being treated, these doctors seem to say, "*Do* something about it, then. As long as you keep on being the silent majority, we're going to keep on whistling while we work."

Personals

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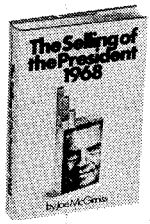

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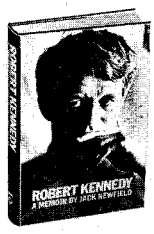

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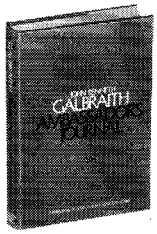

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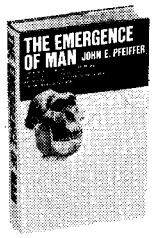

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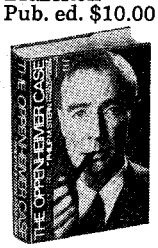

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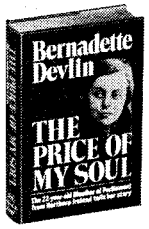

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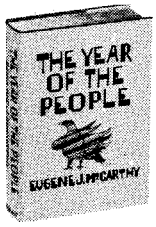

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